

**Table of Contents**

GENERAL INFORMATION ..... 2

SITE INFORMATION..... 2

INTRODUCTION..... 3

    APPLICANT'S REQUEST..... 3

    SITE DESCRIPTION/SURROUNDING LAND USE ..... 3

    PROPOSAL..... 3

APPLICABLE CRITERIA..... 5

TITLE 15 DEVELOPMENT CODE ..... 5

    Division 15.200 Land Use Applications ..... 5

        15.225 Conditional Use Procedures..... 5

        15.240 PD Planned Unit Development Regulations ..... 9

    Division 15.300 Zoning Districts..... 24

        15.305 Zoning Use Table..... 24

        15.356 Bypass Interchange (BI) Overlay ..... 25

    Division 15.400 Development Standards..... 25

        15.405 Lot Requirements..... 25

        15.410 Yard Setback Requirements ..... 28

        15.415 Building and Site Design Standards..... 32

        15.420 Landscaping and Outdoor Areas ..... 34

        15.425 Exterior Lighting ..... 41

        15.430 Underground Utility Installation ..... 43

        15.440 Off-Street Parking, Bicycle Parking, and Private Walkways..... 43

    Division 15.500 Public Improvement Standards..... 49

        15.505 Public Improvements Standards ..... 49

SUMMARY AND CONCLUSION ..... 65

Attachments

- Appendix A – Land Use Application
- Appendix B – Pre-Application Notes
- Appendix C – Notification Materials
- Appendix D – Technical Reports
- Appendix E – Land Use Plans

## GENERAL INFORMATION

Property Owner and Applicant: CG Commercial, LLC & VPCF Crestview, LLC  
5285 Meadows Road, Suite 171  
Lake Oswego, OR 97035  
Contact: Jesse Nemec  
Phone: (503)-730-8620  
Email: jnemec@jtsmithco.com

Applicant's Representative: 3J Consulting, Inc.  
5075 SW Griffith Drive, Suite 150  
Beaverton, OR 97005  
Contact: Andrew Tull  
Phone: (503)-545-1907  
Email: andrew.tull@3j-consulting.com

Legal Representative: Schwabe Williamson & Wyatt  
PacWest Center  
1211 SW Fifth Avenue, Suite 1900  
Portland, OR 97204  
Contact: Michael C. Robinson  
Phone: (503)-796-3756  
Email: mrobinson@schwabe.com

## SITE INFORMATION

Parcel Number: 3216AC 13800 &1100  
Address: OR 99W and Crestview Drive  
Size: 33.13 acres  
Zoning Designations: R-1, R-2, C-2  
Existing Use: Vacant  
Street Functional Classification: OR-99W is classified as a Major Arterial and is an ODOT facility. Crestview Drive is classified as a Minor Arterial and is within the City's jurisdiction.  
Surrounding Zoning: The properties to the west are located within the City of Newberg and are zoned Low Density Residential (R-1). The properties to the south are zoned City Institutional (I) and County VLDR-2.5. The properties to the north are located within Yamhill county and are zoned VLDR-1. The properties to the east are located within Yamhill County and are zoned EF-20.

## **INTRODUCTION**

### **APPLICANT'S REQUEST**

The Applicant seeks approval of an application for a Type III Planned Unit Development (PUD) and Conditional Use Permit (CUP). This narrative has been prepared to describe the proposed development and to document compliance with the relevant sections of Newberg's Development Code.

### **SITE DESCRIPTION/SURROUNDING LAND USE**

The subject site is 33.13 acres in size and is located north of OR-99W, south of Crestview Drive. The property is located within the City and is Zoned C-2, R-2, and R-1. The site has sloping topography which generally slopes towards the southeastern end of the property. The site currently contains numerous wetlands that will be preserved or mitigated, in compliance with Department of State Lands and Army Corps of Engineers standards.

### **PROPOSAL**

The proposed Planned Community will create a mixture of commercial development, single-family homes, cottage style single-family homes, affordable housing and multi-family homes. The proposed development includes 18 single-family homes on large lots, 230 cottage homes, and 51 multi-family homes with modifications to the base zone's dimensions as permitted through the PUD process. The project will include a 4.4-acre parcel which has been created to allow for future commercial development.

The proposed neighborhood will feature active and passive open space areas for use by the residents. The proposed design includes a network of open spaces and wetlands, a thoughtfully linked pedestrian circulation system, and several pedestrian amenities. A neighborhood park is connected to the proposed development through a network of multi-use pathways which provide pedestrian circulation and recreation throughout the site. The development will utilize a network of public and private streets, as well as alleyways which will provide for additional on-street parking. Additional parking for residents has been provided in several off-street parking areas.

The project will include an affordable housing component. While affordable housing is not a required component of a submission for a Planned Unit Development or a Conditional Use Permit, the City does have an Affordable Housing Action Plan which identifies a significant shortage of affordably priced homes within the City and the Applicant said it would include this element. In recognition of the City's needs for affordable housing options, the Applicant proposes to create five percent of the single family detached homes with price reductions and deed restrictions designed to create perpetual affordability.

Affordable Housing is defined within the City's Affordable Housing Action Plan as when a family spends no more than 30% of its income for housing. The twelve single family homes created as part of this program will initially be marketed at rates which make them eligible for families earning less than the median family incomes as described within the Housing Action Plan's definitions of affordable housing. At closing, buyers will be required to sign covenants agreeing to limit the price of any future sale to a rate of appreciation which is tied to either the Area Median Family Income rate or another acceptable index of income. The Applicant plans to work with the Housing Authority of Yamhill County and the City's Affordable Housing

Ad Hoc Committee to refine the covenants which will be recorded with the sale of these units and to eventually find parties which may qualify for the purchase of affordable houses. The proposed affordable homes will require owner occupation and will be constructed at various locations throughout the development.

## APPLICABLE CRITERIA

The following sections of Newberg's and Development Code have been extracted as they have been deemed to be applicable to the proposal. Following each bold applicable criteria or design standard, the Applicant has provided a series of draft findings. The intent of providing code and detailed responses and findings is to document, with absolute certainty, that the proposed development has satisfied the approval criteria for a Planned Unit Development and a Conditional Use Permit.

### TITLE 15 DEVELOPMENT CODE

#### Division 15.200 Land Use Applications

##### 15.225 Conditional Use Procedures

##### 15.225.010 Description and purpose.

**A. It is recognized that certain types of uses require special consideration prior to their being permitted in a particular district. The reasons for requiring such special consideration involves, among other things, the size of the area required for the full development of such uses, the nature of the traffic problems incidental to operation of the use, the effect such uses have on any adjoining land uses and on the growth and development of the community as a whole.**

**Applicant's Facts and Findings:** The proposal includes residential development in a commercial zoning district, requiring a conditional use permit. The applicable conditional use permit standards are addressed below.

This standard is met.

**B. All uses permitted conditionally are declared to be possessing such unique and special characteristics as to make impractical their being included as outright uses in any of the various districts herein defined. The authority for the location and operation of the uses shall be subject to review and the issuance of a conditional use permit. The purpose of review shall be to determine that the characteristics of any such use shall be reasonably compatible with the type of uses permitted in surrounding areas, and for the further purpose of stipulating such conditions as may be reasonable so that the basic purposes of this code shall be served. Nothing construed herein shall be deemed to require the hearing body to grant a conditional use permit.**

**Applicant's Facts and Findings:** The development of residential housing in the C-2 (Commercial) zoning district requires a conditional use permit. The Conditional Use Permit is used in this scenario to ensure that density, lot coverage, parking, vehicular access, pedestrian and bicycle connectivity, and other residential characteristics are developed to be compatible with surrounding land uses.

This standard is met.

##### 15.225.020 Conditional use permit prerequisite to building.

**No building permit shall be issued when a conditional use permit is required by the terms of this code unless a permit has been granted by the hearing body and then only in accordance with the terms and conditions of the conditional use permit. Conditional use permits may be temporary or permanent for any use or purpose for which such permits are required or permitted by provisions of this code.**

**Applicant's Facts and Findings:** This land use application proposes a permanent conditional use permit for residential development in the C-2 zoning district. Building permits have not been issued for this development.

This standard is met.

#### **15.225.030 Application.**

**Application for a conditional use permit shall be accompanied by such information including, but not limited to, site and building plans, drawings and elevations, and operational data, as may be required by the director to allow proper evaluation of the proposal. The plan submittal requirements identified in NMC 15.220.030 and 15.445.190 shall be used as a guide. All proposals for conditional use permit shall be accompanied by a detailed project description which includes information such as the use, information relating to utilities, the number of employees, the hours of operation, traffic information, odor impacts, and other information needed to adequately describe the project.**

**Applicant's Facts and Findings:** The proposed Conditional Use Permit includes all information necessary for a complete and thorough review.

This standard is met.

#### **15.225.040 Concurrent design review.**

**If new buildings or structures are to be included as part of the application, the planning commission shall concurrently review the application for site design review in order to streamline the review process.**

**Applicant's Facts and Findings:** The proposed Conditional Use Permit includes a proposed Planned Unit Development on the site with both single-family detached and multi-family housing. The review of the CUP is proposed concurrent with the PUD.

This standard is met.

#### **15.225.050 Additional information.**

**In order to fully evaluate the proposal, additional information may be required. This includes but is not limited to traffic studies, noise studies, visual analysis, and other site impact studies as determined by the director or planning commission.**

**Applicant's Facts and Findings:** The proposal includes a traffic study and materials display boards. Noise studies are not necessary based on the residential proposal.

This standard is met.

**15.225.060 General conditional use permit criteria – Type III.**

**A conditional use permit may be granted through a Type III procedure only if the proposal conforms to all the following criteria:**

**A. The location, size, design and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the development.**

**B. The location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping or civic environment, and will be as attractive as the nature of the use and its location and setting warrants.**

**C. The proposed development will be consistent with this code.**

**Applicant's Facts and Findings:**

The proposed residential development on this site will allow a gradual transition from the residentially-developed properties to the north and west toward the 4.4-acre retail commercial designated pad adjacent to Highway 99W. The large-lot single-family detached properties immediately adjacent to the site will be buffered by large-lot single-family detached homes. Higher-density single-family detached housing will be located central to the site and adjacent to the park on the western property boundary. The two proposed multi-family buildings are in the southeast corner of the site, adjacent to Highway 99W and near the proposed retail commercial area to be developed at a later date.

This "stair step" approach to lot size and density will serve to ensure harmony in scale, bulk, coverage and density while the multi-family near commercial will provide a convenient and functional living, working and shopping environment. All homes in the site have access via sidewalk to Spring Meadow Park and further into the City of Newberg, satisfying the requirement that the conditional use permit provide a convenient and functional civic environment.

As shown on the included design and materials boards, the proposed development includes a high level of residential design to reflect the location of the development at the eastern entry to the City of Newberg. Materials such as wood, stone, brick and northwest-style siding are all utilized to blend the site to both the natural and built surrounding areas.

Findings are made regarding all applicable sections of the Newberg Development Code throughout this narrative. As identified the findings of each individual code section, the proposed Planned Unit Development and Conditional Use Permit meet all applicable sections of the Newberg Development Code.

This standard has been met.

**15.225.080 Conditions.**

The hearing body shall designate conditions in connection with the conditional use permit deemed necessary to secure the purpose of this chapter and the general conditional use permit criteria and require the guarantees and evidence that such conditions will be complied with. Such conditions may include:

- A. Regulation of uses.
- B. Special yards, spaces
- C. Fences and walls.
- D. Surfacing of parking areas to city specifications.
- E. Street dedications and improvements (or bonds).
- F. Regulation of points of vehicular ingress and egress.
- G. Regulation of signs.
- H. Landscaping and maintenance of landscaping.
- I. Maintenance of the grounds.
- J. Regulation of noise, vibration, odors or other similar nuisances.
- K. Regulation of time for certain activities.
- L. Time period within which the proposed use shall be developed.
- M. Duration of use.
- N. Such other conditions as will make possible the development of the city in an orderly and efficient manner in conformity with the Newberg comprehensive plan and the Newberg development code.

**Applicant's Facts and Findings:** The Conditional Use Permit is required for residential development within the C-2 (Commercial) zoned portion of this site. The proposed residential development includes appropriate yards and spaces, parking areas, ingress and egress, landscaping, vehicular, pedestrian and bicycle connectivity and maintenance plans to ensure compliance with this Section of the Code. Additional conditions are not warranted to secure the purpose of the Conditional Use Permit chapter.

This standard is met.

**15.225.090 Development in accord with plans.**

Construction, site development, and landscaping shall be carried out in substantial accord with the plans, drawings, conditions, sketches, and other documents approved as part of a final decision on a conditional use permit.

**Applicant's Facts and Findings:** It is feasible for the Applicant to carry out development of the site in substantial accord with the plans, drawings, sketches and other documents approved as part of this final decision on the Conditional Use Permit.

This standard is met.

**15.225.100 Conditional use permit must be exercised to be effective.**

**A. A conditional use permit granted under this code shall be effective only when the exercise of the right granted thereunder shall be commenced within one year from the effective date of the decision. The director under a Type I procedure may grant an extension for up to six months if the applicant files a request in writing prior to the expiration of the approval and demonstrates compliance with the following:**

- 1. The land use designation of the property has not been changed since the initial use permit approval; and**
- 2. The applicable standards in this code which applied to the project have not changed.**

**B. In case such right is not exercised, or extension obtained, the conditional use permit decision shall be void. Any conditional use permit granted pursuant to this code is transferable to subsequent owners or contract purchasers of the property unless otherwise provided at the time of granting such permit.**

**Applicant's Facts and Findings:** The Applicant acknowledges that the Conditional Use Permit approval is valid for one year if an extension is not requested. The Applicant intends to begin construction of the residential development on this site within one year of the approval date. If unforeseen delay is encountered, an extension request will be filed in writing prior to the expiration date.

This standard is met.

#### **15.225.110 Preexisting uses now listed as a conditional use.**

**Where a use is legally established and continuing, but that use currently would require a conditional use permit, the use shall be considered as having a conditional use permit under the terms of the prior permit approval. Any nonconforming site development shall be subject to the provisions of Chapter 15.205 NMC.**

**Applicant's Facts and Findings:** This proposal does not include a preexisting use now listed as a conditional use and, as such, this standard is not applicable.

#### **15.240 PD Planned Unit Development Regulations**

##### **15.240.010 Purpose.**

**The city's planned unit development regulations are intended to:**

- A. Encourage comprehensive planning in areas of sufficient size to provide developments at least equal in the quality of their environment to traditional lot-by-lot development and that are reasonably compatible with the surrounding area; and**
- B. Provide flexibility in architectural design, placement and clustering of buildings, use of open space and outdoor living areas, and provision of circulation facilities, parking, storage and related site and design considerations; and**
- C. Promote an attractive, safe, efficient and stable environment which incorporates a compatible variety and mix of uses and dwelling types; and**
- D. Provide for economy of shared services and facilities; and**

**E. Implement the density requirements of the comprehensive plan and zoning districts through the allocation of the number of permitted dwelling units based on the number of bedrooms provided.**

**Applicant's Facts and Findings:** The Applicant proposes a residential Planned Unit Development (PUD) meeting the stated purposes of the PUD regulations. This site is of sufficient size as to warrant comprehensive planning rather than traditional lot-by-lot development. The Applicant proposes flexibility in placement and clustering of buildings, use of open space, circulation, parking and density to promote a safe, attractive, efficient and stable residential environment adjacent to a highway facility and a future commercial development.

This standard is met.

**15.240.020 General provisions.**

**A. Ownership. Except as provided herein, the area included in a proposed planned unit development must be in single ownership or under the development control of a joint application of owners or option holders of the property involved.**

**Applicant's Facts and Findings:** The area included in the planned unit development is in single ownership.

This standard is met.

**B. Processing Steps – Type III. Prior to issuance of a building permit, planned unit development applications must be approved through a Type III procedure and using the following steps:**

- 1. Step One – Preliminary Plans. Consideration of applications in terms of on-site and off-site factors to assure the flexibility afforded by planned unit development regulations is used to preserve natural amenities; create an attractive, safe, efficient, and stable environment; and assure reasonable compatibility with the surrounding area. Preliminary review necessarily involves consideration of the off-site impact of the proposed design, including building height and location.**
- 2. Step Two – Final Plans. Consideration of detailed plans to assure substantial conformance with preliminary plans as approved or conditionally approved. Final plans need not include detailed construction drawings as subsequently required for a building permit.**

**Applicant's Facts and Findings:** The Applicant acknowledges the two-step process to PUD approval and submits materials in support of Step One- Preliminary Plans.

This standard is met.

**C. Phasing. If approved at the time of preliminary plan consideration, final plan applications may be submitted in phases. If preliminary plans encompassing only a portion of a site under single ownership are submitted, they must be accompanied by a statement and be sufficiently detailed to prove that the entire area can be developed and used in accordance with city standards, policies, plans and ordinances.**

**Applicant’s Facts and Findings:** The Applicant acknowledges the process for phasing of final plan applications.

This standard is met.

**D. Lapse of Approval.** If the applicant fails to submit material required for consideration at the next step in accordance with the schedule approved at the previous step or, in the absence of a specified schedule, within one year of such approval, the application as approved at the previous step expires. If the applicant fails to obtain a building permit for construction in accordance with the schedule as previously approved, or in the absence of a specified schedule, within three years of a preliminary plan approval, preliminary and final plan approvals expire. Prior to expiration of plan approval at any step, the hearing authority responsible for approval may, if requested, extend or modify the schedule, providing it is not detrimental to the public interest or contrary to the findings and provisions specified herein for planned unit developments. Unless the preliminary plan hearing authority provides to the contrary, expiration of final plan approval of any phase automatically renders all phases void that are not yet finally approved or upon which construction has not begun.

**Applicant’s Facts and Findings:** The Applicant acknowledges the process for lapse of PUD approval and intends to follow through with development of the site based on the original approval timeline.

This standard is met.

**E. Resubmittal Following Expiration.** Upon expiration of preliminary or final plan approval, a new application and fee must be submitted prior to reconsideration. Reconsideration shall be subject to the same procedures as an original application.

**Applicant’s Facts and Findings:** The Applicant acknowledges the process for resubmittal following expiration.

This standard is met.

**F. Density.** Except as provided in NMC 15.302.040 relating to subdistricts, dwelling unit density provisions for residential planned unit developments shall be as follows:

1. **Maximum Density.**
  - a. **Except as provided in adopted refinement plans, the maximum allowable density for any project shall be as follows:**

District	Density Points
R-1	175 density points per <u>gross acre</u> , as calculated in subsection (F)(1)(b) of this section
R-2	310 density points per <u>gross acre</u> , as calculated in subsection (F)(1)(b) of this section

R-3	640 density points per <u>gross acre</u> , as calculated in subsection (F)(1)(b) of this section
RP	310 density points per <u>gross acre</u> , as calculated in subsection (F)(1)(b) of this section
C-1	As per required findings
C-2	As per required findings
C-3	As per required findings

- b. Density point calculations in the following table are correlated to dwellings based on the number of bedrooms, which for these purposes is defined as an enclosed room which is commonly used or capable of conversion to use as sleeping quarters. Accordingly, family rooms, dens, libraries, studies, studios, and other similar rooms shall be considered bedrooms if they meet the above definitions, are separated by walls or doors from other areas of the dwelling and are accessible to a bathroom without passing through another bedroom. Density points may be reduced at the applicant’s discretion by 25 percent for deed-restricted affordable dwelling units as follows:

**Density Point Table**

Dwelling Type	Density Points: Standard Dwelling	Density Points: Income-Restricted Affordable Dwelling Units
Studio and Efficiency	12	9
One-bedroom	14	11
Two-bedroom	21	16
Three-bedroom	28	21
Four or more bedroom	35	26

The density points in the right-hand column are applicable to income-restricted affordable dwelling units, provided the dwelling units meet the affordability criteria under NMC 15.242.030 regarding affordable housing requirements for developments using the flexible development standards.

2. **Approved Density.** The number of dwelling units allowable shall be determined by the hearing authority in accordance with the standards set forth in these regulations. The hearing authority may change density subsequent to preliminary plan approval only if the reduction is necessary to comply with required findings for preliminary plan approval or if conditions of preliminary plan approval cannot otherwise be satisfied.
3. **Easement Calculations.** Density calculations may include areas in easements if the applicant clearly demonstrates that such areas will benefit residents of the proposed planned unit development.
4. **Dedications.** Density calculations may include areas dedicated to the public for recreation or open space.
5. **Cumulative Density.** When approved in phases, cumulative density shall not exceed the overall density per acre established at the time of preliminary plan approval.

**Applicant's Facts and Findings:** This narrative includes a Density Matrix, identifying the total number of density points available to this site vs. the total number of density points necessary to develop the site as proposed. The C-2 zoning district is proposed at the same maximum allowable density as the R-3 zoning district, or 640 points per acre. The total number of density points available to this site, as detailed on the Density Matrix, is 11,859.85. The total number and type of residential dwelling units proposed requires 9,085 density points, which is less than the number of points available to this site.

This standard is met.

**G. Buildings and Uses Permitted. Buildings and uses in planned unit developments are permitted as follows:**

1. **R-1, R-2, R-3 and RP Zones.**
  - a. **Buildings and uses permitted outright or conditionally in the use district in which the proposed planned unit development is located.**
  - b. **Accessory buildings and uses.**
  - c. **Duplexes.**
  - d. **Dwellings, single, manufactured, and multifamily.**
  - e. **Convenience commercial services which the applicant proves will be patronized mainly by the residents of the proposed planned unit development.**

**Applicant's Facts and Findings:** The proposal includes single-family detached and multi-family residential uses within the R-1 and R-2 portions of this site, both of which are permitted by subsection d. above.

This standard is met.

2. **C-1, C-2 and C-3 Zones.**
  - a. **When proposed as a combination residential-commercial planned unit development, uses and buildings as listed in subsection (G)(1) of this section and those listed as permitted outright or conditionally in the use district wherein the development will be located.**
  - b. **When proposed as a residential or commercial planned unit development, uses and buildings as permitted outright or conditionally in the use district wherein the development will be located.**

**Applicant's Facts and Findings:** The proposed Planned Community will create a mixture of commercial development, single-family homes, cottage style single-family homes, affordable housing and multi-family homes. All uses proposed are permitted either outright or conditionally for the C-2 portion of this property, in compliance with subsections a. and b. above.

This standard is met.

3. **M-1, M-2 and M-3 Zones.** Uses and buildings as permitted outright or conditionally in the use district wherein the development will be located.
4. **M-4 Zone.** Uses and buildings as permitted outright or conditionally in the use district wherein the development will be located. Proposed sites, structures and uses must work together to support a common theme, product or industry. Applicants for an industrial planned development in M-4 must demonstrate conformance with any adopted master plan for the subject area and provide a plan describing how the proposed structures and uses will work together to support a common theme, product or industry. Prior to subdivision, covenants must limit occupancy to the types of industrial and related uses identified in the development plan.

**Applicant's Facts and Findings:** No part of this site is located within the M-1, M-2, M-3 or M-4 zoning district and, as such, this standard is not applicable.

**H. Professional Coordinator and Design Team.** Professional coordinators and design teams shall comply with the following:

1. **Services.** A professional coordinator, licensed in the State of Oregon to practice architecture, landscape architecture or engineering, shall ensure that the required plans are prepared. Plans and services provided for the city and between the applicant and the coordinator shall include:
  - a. Preliminary design;
  - b. Design development;
  - c. Construction documents, except for single-family detached dwellings and duplexes in subdivisions; and
  - d. Administration of the construction contract, including, but not limited to, inspection and verification of compliance with approved plans.
2. **Address and Attendance.** The coordinator or the coordinator's professional representative shall maintain an Oregon address, unless this requirement is waived by the director. The coordinator or other member of the design team shall attend all public meetings at which the proposed planned unit development is discussed.
3. **Design Team Designation.** Except as provided herein, a design team, which includes an architect, a landscape architect, engineer, and land surveyor, shall be designated by the professional coordinator to prepare appropriate plans. Each team member must be licensed to practice the team member's profession in the State of Oregon.
4. **Design Team Participation and Waiver.** Unless waived by the director upon proof by the coordinator that the scope of the proposal does not require the services of all members at one or more steps, the full design team shall participate in the preparation of plans at all three steps.
5. **Design Team Change.** Written notice of any change in design team personnel must be submitted to the director within three working days of the change.

- 6. Plan Certification. Certification of the services of the professionals responsible for particular drawings shall appear on drawings submitted for consideration and shall be signed and stamped with the registration seal issued by the State of Oregon for each professional so involved. To assure comprehensive review by the design team of all plans for compliance with these regulations, the dated cover sheet shall contain a statement of review endorsed with the signatures of all designated members of the design team.**

**Applicant's Facts and Findings:** This Planned Unit Development application includes all of the required plans and documents. A professional engineer in the State of Oregon has ensured that all required plans are prepared, certified as necessary and submitted. The Applicant acknowledges the process for a design team change.

This standard is met.

**I. Modification of Certain Regulations. Except as otherwise stated in these regulations, fence and wall provisions, general provisions pertaining to height, yards, area, lot width, frontage, depth and coverage, number of off-street parking spaces required, and regulations pertaining to setbacks specified in this code may be modified by the hearing authority, provided the proposed development will be in accordance with the purposes of this code and those regulations. Departures from the hearing authority upon a finding by the engineering director that the departures will not create hazardous conditions for vehicular or pedestrian traffic. Nothing contained in this subsection shall be interpreted as providing flexibility to regulations other than those specifically encompassed in this code.**

**Applicant's Facts and Findings:** This Planned Unit Development proposal seeks to modify the lot size standards of the R-1, R-2 and C-2 zoning districts. The PUD further seeks to modify the minimum lot sizes, minimum lot dimensions, minimum lot frontages, maximum lot and parking area coverage and minimum setback standards. The proposed modifications are shown on the attached preliminary site plan and plat and are intended to allow for the development of smaller residential lots, allowing a lower price-point than homes built in similar zoning districts. The creativity in site design also allows for the provision of parks and open space facilities exceeding those of a typical subdivision. And finally, varying the standards allows for the construction of a street network exceeding that of a typical residential subdivision.

The proposed modifications are in accordance with the purposes of this code as they support the efficient development of land within the City Limits, provide functional, attractive housing for the residents of the City and include safe, convenient, efficient transportation design.

This standard is met.

**J. Lot Coverage. Maximum permitted lot and parking area coverage as provided in this code shall not be exceeded unless specifically permitted by the hearing authority in accordance with these regulations.**

**Applicant’s Facts and Findings:** The maximum permitted lot coverage is requested to be exceeded in conjunction with the Planned Unit Development request. The Applicant proposes a coverage of up to 60% throughout the plan area. The smaller lot sizes allow for the provision of a more affordable housing stock and the increased parking ensures an adequate supply for residents and visitors. The Applicant requests these exceptions be specifically permitted by the Planning Commission in reviewing the Planned Unit Development and Conditional Use Permit request.

This standard is met.

**K. Height. Unless determined by the hearing authority that intrusion of structures into the sun exposure plane will not adversely affect the occupants or potential occupants of adjacent properties, all buildings and structures shall be constructed within the area contained between lines illustrating the sun exposure plane (see Appendix A, Figure 8 and the definition of “sun exposure plane” in NMC 15.05.030). The hearing authority may further modify heights to:**

- 1. Protect lines of sight and scenic vistas from greater encroachment than would occur as a result of conventional development.**
- 2. Protect lines of sight and scenic vistas.**
- 3. Enable the project to satisfy required findings for approval.**

**Applicant’s Facts and Findings:** This proposed residential Planned Unit Development includes three story single-family residential structures with reduced setbacks. This development type allows the developer to provide the housing at an approachable price point, complete the much-needed transportation system for the area and provide parks and open spaces for the residents of this and neighboring developments. Communities of this nature exist in several areas and sun exposure is not known to be a significant issue in other communities. Each unit will have access to the sun from the southern sky and will have opportunities to enjoy the benefit of the sun’s light and warmth.

No modifications to the heights within the proposed development is necessary, nor are any protected lines of site to preserve scenic vistas.

This standard is met.

**L. Dedication, Improvement and Maintenance of Public Thoroughfares. Public thoroughfares shall be dedicated, improved and maintained as follows:**

- 1. Streets and Walkways. Including, but not limited to, those necessary for proper development of adjacent properties. Construction standards that minimize maintenance and protect the public health and safety, and setbacks as specified in NMC 15.410.050, pertaining to special setback requirements to planned rights-of-way, shall be required.**
- 2. Notwithstanding subsection (L)(1) of this section, a private street may be approved if the following standards are satisfied.**

a. An application for approval of a PUD with at least 50 dwelling units may include a private street and the request for a private street shall be supported by the evidence required by this section. The planning commission may approve a private street if it finds the applicant has demonstrated that the purpose statements in NMC 15.240.010(A) through (D) are satisfied by the evidence in subsections (L)(2)(a)(i) through (v) of this section.

i. A plan for managing on-street parking, maintenance and financing of maintenance of the private street, including a draft reserve study showing that the future homeowners association can financially maintain the private street;

ii. A plan demonstrating that on- and off-street parking shall be sufficient for the expected parking needs and applicable codes;

iii. Proposed conditions, covenants and restrictions that include a requirement that the homeowners association shall be established in perpetuity and shall continually employ a community management association whose duties shall include assisting the homeowners association with the private street parking management and maintenance, including the enforcement of parking restrictions;

iv. Evidence that the private street is of sufficient width and construction to satisfy requirements of the fire marshal and cityengineer; and

v. The PUD shall be a Class I planned community as defined in ORS Chapter 94.

b. If the PUD is established, the homeowners association shall provide an annual written report on the anniversary date of the final approval of the PUD approval to the community development director that includes the following:

i. The most recent reserve study.

ii. The name and contact information for the retained community management association.

iii. A report on the condition of the private street and any plans for maintenance of the private street.

3. Easements. As are necessary for the orderly extension of public utilities and bicycle and pedestrian access.

**Applicant's Facts and Findings:** This proposed PUD includes a mixture of public and private streets. As identified in subsection L.2 above, private streets may be approved if:

- a PUD proposes at least 50 dwelling units,
- has provided a plan for on-street parking, maintenance and financing of maintenance of the private street,
- demonstrates sufficient parking,
- includes CCRs addressing the private street,
- is constructed to proper standards, and
- the PUD is a Class I planned community as defined in ORS Ch. 94.

The proposal meets all of the criteria for private streets identified above. The purpose statements in NMC 15.240.010(A) through (D) include:

- encourage comprehensive planning in areas of sufficient size...
- provide flexibility in architectural design, placement and clustering of buildings, use of open space and outdoor living areas, and provision of

circulation facilities, parking, storage and related site and design considerations

- promote an attractive, safe, efficient and stable environment...and
- provide for economy of shared services and facilities.

The proposed PUD is of a sufficient size to warrant comprehensive planning that is similar to traditional lot-by-lot developments in the same zoning and compatible with the surrounding environment. The inclusion of private streets makes it feasible to preserve more of the natural areas on the site. The housing design and placement, open space and outdoor living areas, circulation, parking and storage on this site are all designed to work together to form a cohesive neighborhood feel. The shared services and facilities within the development include the private streets, parking areas and open spaces. The adjacent commercial development that will be added in the future will allow for shared services as well.

All public streets are designed to City standards and proposed to be dedicated to the City.

The proposal includes all of the necessary materials to approve both the public and private streets.

This standard is met.

**M. Underground Utilities. Unless waived by the hearing authority, the developer shall locate all on-site utilities serving the proposed planned unit development underground in accordance with the policies, practices and rules of the serving utilities and the Public Utilities Commission.**

**Applicant's Facts and Findings:** The proposal includes all on-site utilities located underground.

This standard is met.

**N. Usable Outdoor Living Area. All dwelling units shall be served by outdoor living areas as defined in this code. Unless waived by the hearing authority, the outdoor living area must equal at least 10 percent of the gross floor area of each unit. So long as outdoor living area is available to each dwelling unit, other outdoor living space may be offered for dedication to the city, in fee or easement, to be incorporated in a city-approved recreational facility. A portion or all of a dedicated area may be included in calculating density if permitted under these regulations.**

**Applicant's Facts and Findings:** All dwelling units are served by outdoor living areas equal to at least 10 percent of the gross floor area of each unit. The single-family units will have outdoor living on individual lots. The multi-family will utilize a combination of balconies and porches as well as common outdoor living areas located throughout the overall planned unit development.

This standard is met.

**O. Site Modification. Unless otherwise provided in preliminary plan approval, vegetation, topography and other natural features of parcels proposed for development shall remain substantially unaltered pending final plan approval.**

**Applicant's Facts and Findings:** This site contains several wetlands which will be a combination of preserved on site and mitigated off-site. The permitting for this is occurring separate from the land use review. This is the only substantial change to the natural features of the site.

This standard is met.

**P. Completion of Required Landscaping. If required landscaping cannot be completed prior to occupancy, or as otherwise required by a condition of approval, the director may require the applicant to post a performance bond of a sufficient amount and time to assure timely completion.**

**Applicant's Facts and Findings:** The Applicant acknowledges the possibility of a performance bond being required to assure timely completion of any delayed landscaping.

This standard is met.

**Q. Design Standards. The proposed development shall meet the design requirements for multifamily residential projects identified in NMC 15.220.060. A minimum of 40 percent of the required points shall be obtained in each of the design categories.**

**Applicant's Facts and Findings:** There are 23 possible site design points and 23 possible building design points, therefore, this project must obtain 9 each site design and building design points (40% of each).

Site Design:

Consolidated green space: 3 points  
Parking lot to the back of project when viewed from 99W: 3 points  
Good-quality coordinated site landscaping: 2 points  
Landscaped Edges of Parking Lots: 2 points  
Street trees: 1 point  
Entry Accents to mark major entries to multi-family buildings: 1 point  
Appropriate Outdoor Lighting: 1 point  
Total Site Design Points: 13

Building Design:

Respect scale and patterns of nearby buildings by reflecting architectural styles, building details, materials and scale of existing buildings: 3 points  
Break up large buildings into bays/vary planes at least every 50 feet: 3 points  
Provide variation in repeated units using color, porches, balconies, windows, railings, building materials and form, alone or in combination: 3 points

Building materials: Wood or wood-like siding applied horizontally or vertically as board and batten at entry ways; shingles, as roofing; wood or wood-like sash windows; and wood or wood-like trim: 4 points  
A porch at every main entry: 2 points  
Total Building Design Points: 15

This standard is met as described above.

#### **15.240.030 Preliminary plan consideration – Step one.**

**A. Preapplication Conference. Prior to filing an application for preliminary plan consideration, the applicant or coordinator may request through the director a preapplication conference to discuss the feasibility of the proposed planned unit development and determine the processing requirements.**

**Applicant’s Facts and Findings:** The Applicant attended a pre-application conference with the City on March 14, 2018.

This standard is met.

**B. Application. An application, with the required fee, for preliminary plan approval shall be made by the owner of the affected property, or the owner’s authorized agent, on a form prescribed by and submitted to the director. Applications, accompanied by such additional copies as requested by the director for purposes of referral, shall contain or have attached sufficient information as prescribed by the director to allow processing and review in accordance with these regulations. As part of the application, the property owner requesting the planned development shall file a waiver stating that the owner will not file any demand against the city under Ballot Measure 49, approved November 6, 2007, that amended ORS Chapters 195 and 197 based on the city’s decision on the planned development.**

**Applicant’s Facts and Findings:** This land use application includes all required fees, forms and documentation for review of the Planned Unit Development and Conditional Use requests.

This standard is met.

**C. Type III Review and Decision Criteria. Preliminary plan consideration shall be reviewed through the Type III procedure. Decisions shall include review and recognition of the potential impact of the entire development, and preliminary approval shall include written affirmative findings that:**

- 1. The proposed development is consistent with standards, plans, policies and ordinances adopted by the city; and**

**Applicant’s Facts and Findings:** As described in this narrative, the proposed development is consistent with standards, plans, policies and ordinances adopted by the City.

This standard is met.

- 2. The proposed development's general design and character, including but not limited to anticipated building locations, bulk and height, location and distribution of recreation space, parking, roads, access and other uses, will be reasonably compatible with appropriate development of abutting properties and the surrounding neighborhood; and**

**Applicant's Facts and Findings:** As discussed previously, the proposed PUD includes larger lot single-family detached homes along the northern property line, separating this development from a single-family detached development. Lot sizes will then decrease as one heads south into the site, with two multi-family residential buildings constructed in the southeast corner of the site. The homes on the site will all be designed and constructed so as to provide a cohesive design and character to the entire development. The distribution of recreation space, parking, roads, access and other uses is reasonably compatible with the appropriate development of abutting properties and the surrounding neighborhood.

This standard is met.

- 3. Public services and facilities are available to serve the proposed development. If such public services and facilities are not at present available, an affirmative finding may be made under this criterion if the evidence indicates that the public services and facilities will be available prior to need by reason of:**
  - a. Public facility planning by the appropriate agencies; or**
  - b. A commitment by the applicant to provide private services and facilities adequate to accommodate the projected demands of the project; or**
  - c. Commitment by the applicant to provide for offsetting all added public costs or early commitment of public funds made necessary by the development; and**

**Applicant's Facts and Findings:** Public services and facilities are either available to serve the proposed development or can be reasonably conditioned to be installed and provided. The public improvement plans included with the land use submittal demonstrate full public facilities will be provided, including water, sanitary sewer, storm sewer, electricity and natural gas. Public services are currently available to serve this site, including police, fire, garbage/recycling and US Mail.

This standard is met.

- 4. The provisions and conditions of this code have been met; and**

**Applicant's Facts and Findings:** As discussed in detail in this narrative, the provisions and conditions of this code have been met.

This standard is met.

**5. Proposed buildings, roads, and other uses are designed and sited to ensure preservation of features, and other unique or worthwhile natural features and to prevent soil erosion or flood hazard; and**

**Applicant's Facts and Findings:** The buildings, roads and other site features are located so as to preserve several wetlands and natural features and to prevent soil erosion or flood hazard.

This standard is met.

**6. There will be adequate on-site provisions for utility services, emergency vehicular access, and, where appropriate, public transportation facilities; and**

**Applicant's Facts and Findings:** The site is well provisioned for utility services, emergency vehicular access and, if the opportunity arises in the future, public transportation facilities. The public roadways are designed to public street standards and the private streets are designed to provide vehicular access. The application includes a letter from Tualatin Valley Fire & Rescue indicating that the private streets are adequate for emergency vehicle access.

This standard is met.

**7. Sufficient usable recreation facilities, outdoor living area, open space, and parking areas will be conveniently and safely accessible for use by residents of the proposed development; and**

**Applicant's Facts and Findings:** The proposed neighborhood will feature active and passive open space areas for use by the residents. The proposed design includes a civic use park which has been envisioned to provide space for community events as well as a space for featured local vendors. A smaller neighborhood park is connected to the proposed development through a network of multi-use pathways which provide pedestrian circulation and recreation throughout the site. The proposal includes multiple open spaces, most of which include a trail system within. The multi-family housing has common outdoor living areas, as well as balconies and patios for some individual units. The single-family housing has outdoor living areas adjacent to the homes.

This standard is met.

**8. Proposed buildings, structures, and uses will be arranged, designed, and constructed so as to take into consideration the surrounding area in terms of access, building scale, bulk, design, setbacks, heights, coverage, landscaping and screening, and to assure reasonable privacy for residents of the development and surrounding properties.**

**Applicant's Facts and Findings:** This site has been designed reflect the surrounding area and to provide a reasonable level of privacy for residents of the development and surrounding

properties. Large lot single-family detached dwellings are proposed along the northern property line, separating this development from another large lot residential development, easing the transition from lower density to higher. The site is buffered from the residential developments to the west by the park that is adjacent to the site. The site as a whole is designed to provide safe and convenient access. The building scale, bulk, design, setbacks, heights, coverage, landscaping and screening are designed to provide harmony within the site while respecting and reflecting design patterns utilized in other nearby developments.

This standard is met.

**D. Conditions. Applications may be approved subject to conditions necessary to fulfill the purpose and provisions of these regulations.**

**Applicant's Facts and Findings:** The Applicant acknowledges the possibility of conditions imposed to fulfill the purpose and provisions of the PUD regulations. However, based on the findings identified in this narrative, the Applicant finds the proposal in full compliance with the PUD standards.

This standard is met.

**15.240.040 Final plan consideration – Step two.**

**A. Application. An application, with the required fee, for final plan approval shall be submitted in accordance with the provisions of this code, and must be in compliance with all conditions imposed and schedules previously prescribed.**

**B. Referral. Referral of final plans and supportive material shall be provided to appropriate agencies and departments.**

**C. Decision Type I Procedure. The final plan consideration shall be reviewed through the Type I procedure. Upon receipt of the application and fee, final plans and required supportive material, the director shall approve, conditionally approve or deny the application for final plan approval. The decision of the director to approve or deny the application shall be based on written findings of compliance or noncompliance with approved preliminary plans and city standards, plans, policies and ordinances. Minor variations from approved preliminary plans may be permitted if consistent with the general character of the approved preliminary plans.**

**D. Conditions. Applications may be approved subject to such conditions as are necessary to fulfill the purpose and provisions of this code.**

- 1. Preparation and Signatures. A duly notarized performance agreement binding the applicant, and the applicant's successors in interest, assuring construction and performance in accordance with the approved final plans shall be prepared by the city and executed by the applicant and city prior to issuance of a building permit.**

2. **Return.** Unless an executed copy of the agreement is returned to the director within 60 days of its delivery to the applicant, final plan approval shall expire, necessitating the reapplication for final plan reapproval.
3. **Filing.** The director shall file a memorandum of the performance agreement with the Yamhill County recorder.
4. **Improvement Petitions and Dedications.** Improvement petitions and all documents required with respect to dedications and easements shall be submitted prior to completion of the agreement.
5. **Project Changes.** The director may permit project changes subsequent to execution of the agreement upon finding the changes substantially conform to final approved plans and comply with city standards, plans, policies and ordinances. Other modifications are subject to reapplication at the appropriate step.
6. **Compliance.** Compliance with this section is a prerequisite to the issuance of a building permit.

**Applicant’s Facts and Findings:** The Applicant acknowledges the process for Step Two of a PUD review.

This standard is met.

**Division 15.300 Zoning Districts**

**15.305 Zoning Use Table**

Use	R-1	R-2	C-2
<b>Residential Uses</b>			
Dwelling, single-family detached	P(2)	P	C(4)
Dwelling, multifamily	C	P	C(4)
<b>Parks and Open Spaces</b>			
Open Space	P	P	P
Park	P	P	P

**Notes.**

(2) Limited to one per lot as a permitted use. More than one per lot allowed only through a conditional use permit or planned unit development, subject to density limits of NMC 15.405.010(B).

(4) The permitted density shall be stated on the conditional use permit.

**Applicant’s Facts and Findings:** The proposed residential development requires a conditional use permit because a part of the site, including the area proposed for multi-family residential, is within the C-2 zoning district. Single-family residential development is permitted in the R-1 and R-2 zones. The Planned Unit Development proposes residential

development, both single-family and multi-family, on all areas of the site (zoned R-1, R-2 and C-2).

As this application includes a conditional use permit application, this standard is met.

### **15.356 Bypass Interchange (BI) Overlay**

**Applicant's Facts and Findings:** The frontage of this site is adjacent to the Bypass Interchange (BI) Overlay. While the provisions of the BI Overlay may apply to this site, the provisions only speak to permitted, conditional and prohibited uses. Residential development is a permitted use in the R-1 and R-2 zoning districts and a conditional use in the C-2 zoning district. Residential development is not prohibited in the BI Overlay.

This standard is met.

## **Division 15.400 Development Standards**

### **15.405 Lot Requirements**

#### **15.405.010 Lot area – Lot areas per dwelling unit.**

**A. In the following districts, each lot or development site shall have an area as shown below except as otherwise permitted by this code:**

- 1. In the R-1 district, each lot or development site shall have a minimum area of 5,000 square feet or as may be established by a subdistrict. The average size of lots in a subdivision intended for single-family development shall not exceed 10,000 square feet.**
- 2. In the R-2, R-3, and RP districts, each lot or development site shall have a minimum area of 3,000 square feet or as may be established by a subdistrict. In the R-2 and R-P districts, the average size of lots in a subdivision intended for single-family development shall not exceed 5,000 square feet.**
- 3. In the AI, AR, C-1, C-2, and C-3 districts, each lot or development site shall have a minimum area of 5,000 square feet or as may be established by a subdistrict.**
- 4. In the M-1, M-2 and M-3 districts, each lot or development site shall have a minimum area of 20,000 square feet.**
- 5. Institutional districts shall have a minimum size of five contiguous acres in order to create a large enough campus to support institutional uses; however, additions to the district may be made in increments of any size.**
- 6. Within the commercial zoning district(s) of the riverfront overlay subdistrict, there is no minimum lot size required, provided the other standards of this code can be met.**

**Applicant's Facts and Findings:** This application includes a Planned Unit Development (PUD) that proposes reduced lot sizes. The standards for a PUD are discussed previously in this narrative.

This standard is met.

**B. Lot or Development Site Area per Dwelling Unit.**

1. In the R-1 district, there shall be a minimum of 5,000 square feet per dwelling unit.
2. In the R-2, AR, and R-P districts, there shall be a minimum of 3,000 square feet of lot or development site area per dwelling unit. In the R-2 and R-P districts, lots or development sites in excess of 15,000 square feet used for multiple single-family, duplex or multifamily dwellings shall be developed at a minimum of one dwelling per 5,000 square feet lot area.
3. In the R-3 district, there shall be a minimum of 1,500 square feet of lot or development site area per dwelling unit. Lots or development sites in excess of 15,000 square feet used for multiple single-family, duplex or multifamily dwellings shall be developed at a minimum of one dwelling per 2,500 square feet lot area.

**C. In calculating lot area for this section, lot area does not include land within public or private streets. In calculating lot area for maximum lot area/minimum density requirements, lot area does not include land within stream corridors, land reserved for public parks or open spaces, commons buildings, land for preservation of natural, scenic, or historic resources, land on slopes exceeding 15 percent or for avoidance of identified natural hazards, land in shared access easements, public walkways, or entirely used for utilities, land held in reserve in accordance with a future development plan, or land for uses not appurtenant to the residence.**

**D. Lot size averaging is allowed for any subdivision. Some lots may be under the minimum lot size required in the zone where the subdivision is located, as long as the average size of all lots is at least the minimum lot size.**

**Applicant's Facts and Findings:** This application includes a Planned Unit Development (PUD) that proposes reduced lots (development site areas). The standards for a PUD are discussed previously in this narrative.

This standard is met.

**15.405.020 Lot area exceptions.**

**The following shall be exceptions to the required lot areas:**

- A. Lots of record with less than the area required by this code.**
- B. Lots or development sites which, as a process of their creation, were approved in accordance with this code.**
- C. Planned unit developments, provided they conform to requirements for planned unit development approval.**

**Applicant's Facts and Findings:** This proposal complies with subsection C. of this criterion as a Planned Unit Development is proposed with conformity to all PUD requirements.

This standard is met.

**15.405.030 Lot dimensions and frontage.**

**A. Width. Widths of lots shall conform to the standards of this code.**

**B. Depth to Width Ratio.** Each lot and parcel shall have an average depth between the front and rear lines of not more than two and one-half times the average width between the side lines. Depths of lots shall conform to the standards of this code. Development of lots under 15,000 square feet are exempt from the lot depth to width ratio requirement.

**C. Area.** Lot sizes shall conform to standards set forth in this code. Lot area calculations shall not include area contained in public or private streets as defined by this code.

**D. Frontage.**

1. No lot or development site shall have less than the following lot frontage standards:
  - a. Each lot or development site shall have either frontage on a public street for a distance of at least 25 feet or have access to a public street through an easement that is at least 25 feet wide. No new private streets, as defined in NMC 15.05.030, shall be created to provide frontage or access.
  - b. Each lot in an R-2 and R-3 zone shall have a minimum width of 30 feet at the front building line.
  - c. Each lot in an R-1, AI, or RP zone shall have a minimum width of 50 feet at the front building line.
  - d. Each lot in an AR zone shall have a minimum width of 45 feet at the front building line.
2. The above standards apply with the following exceptions:
  - a. Legally created lots of record in existence prior to the effective date of the ordinance codified in this code.
  - b. Lots or development sites which, as a process of their creation, were approved with sub-standard widths in accordance with provisions of this code.
  - c. Existing private streets may not be used for new dwelling units, except private streets that were created prior to March 1, 1999, including paving to fire access roads standards and installation of necessary utilities, and private streets allowed in the airport residential and airport industrial districts.

**Applicant's Facts and Findings:** This application includes a Planned Unit Development (PUD) that proposes reduced lot dimensions and frontage. Private streets are proposed to provide access to many of the lots in this development. Private streets are permitted as discussed previously in this narrative. The standards for a PUD are discussed previously in this narrative.

This standard is met.

#### **15.405.040 Lot coverage and parking coverage requirements.**

**A. Purpose.** The lot coverage and parking coverage requirements below are intended to:

1. Limit the amount of impervious surface and storm drain runoff on residential lots.
2. Provide open space and recreational space on the same lot for occupants of that lot.
3. Limit the bulk of residential development to that appropriate in the applicable zone.

**B. Residential uses in residential zones shall meet the following maximum lot coverage and parking coverage standards. See the definitions in NMC 15.05.030 and Appendix A, Figure 4.**

- 1. Maximum Lot Coverage.**
  - a. R-1: 30 percent, or 40 percent if all structures on the lot are one-story.**
  - b. R-2 and RP: 50 percent.**
  - c. AR and R-3: 50 percent.**
- 2. Maximum Parking Coverage. R-1, R-2, R-3, and RP: 30 percent.**
- 3. Combined Maximum Lot and Parking Coverage.**
  - a. R-1, R-2 and RP: 60 percent.**
  - b. R-3: 70 percent.**

**C. All other districts and uses not listed in subsection (B) of this section shall not be limited as to lot coverage and parking coverage except as otherwise required by this code.**

**Applicant's Facts and Findings:** This application includes a Planned Unit Development (PUD) that proposes an increase to the maximum lot coverage standards. This increase to the maximum is proposed to provide more housing options at an approachable price point, including some affordable housing. The standards for a PUD are discussed previously in this narrative.

This standard is met.

#### **15.410 Yard Setback Requirements**

##### **15.410.010 General yard regulations.**

**A. No yard or open space provided around any building for the purpose of complying with the provisions of this code shall be considered as providing a yard or open space for any other building.**

**B. No yard or open space on adjoining property shall be considered as providing required yard or open space for another lot or development site under the provisions of this code.**

**C. No front yards provided around any building for the purpose of complying with the regulations of this code shall be used for public or private parking areas or garages, or other accessory buildings, except as specifically provided elsewhere in this code.**

**D. When the common property line separating two or more contiguous lots is covered by a building or a permitted group of buildings with respect to such common property line or lines does not fully conform to the required yard spaces on each side of such common property line or lines, such lots shall constitute a single development site and the yards as required by this code shall then not apply to such common property lines.**

**E. Dwellings Where Permitted above Nonresidential Buildings. The front and interior yard requirements for residential uses shall not be applicable; provided, that all yard requirements for the district in which such building is located are complied with.**

**F. In the AI airport industrial district, clear areas, safety areas, object-free areas, taxiways, parking aprons, and runways may be counted as required yards for a building, even if located upon an adjacent parcel.**

**G. In the AR airport residential district, clear areas, safety areas, object-free areas, taxiways, parking aprons, and runways may be counted as required yards for a building, if located upon an adjacent parcel.**

**15.410.020 Front yard setback.**

**A. Residential (see Appendix A, Figure 10).**

- 1. AR, R-1 and R-2 districts shall have a front yard of not less than 15 feet. Said yard shall be landscaped and maintained.**
- 2. R-3 and RP districts shall have a front yard of not less than 12 feet. Said yard shall be landscaped and maintained.**
- 3. The entrance to a garage or carport, whether or not attached to a dwelling, shall be set back at least 20 feet from the nearest property line of the street to which access will be provided. However, the foregoing setback requirement shall not apply where the garage or carport will be provided with access to an alley only.**

**B. Commercial.**

- 1. All lots or development sites in the C-1 district shall have a front yard of not less than 10 feet. Said yard shall be landscaped and maintained.**
- 2. All lots or development sites in the C-2 district shall have a front yard of not less than 10 feet. No parking shall be allowed in said yard. Said yard shall be landscaped and maintained.**
- 3. All lots or development sites in the C-3 district shall have no minimum front yard requirements. The maximum allowable front yard shall be 20 feet. In the case of a through lot with two front yards, at least one front yard must meet the maximum setback requirement. In the case of three or more front yards, at least two front yards must meet the maximum setback requirements. No parking shall be allowed in said yard. Said yard shall be landscaped and maintained.**
- 4. All lots or development sites in the C-4 district will comply with the front yard requirements described in NMC 15.352.040(E).**

**15.410.030 Interior yard setback.**

**A. Residential.**

- 1. All lots or development sites in the AR, R-1, R-2 and R-3 districts shall have interior yards of not less than five feet, except that where a utility easement is recorded adjacent to a side lot line, there shall be a side yard no less than the width of the easement.**
- 2. All lots or development sites in the RP district shall have interior yards of not less than eight feet.**

**B. Commercial.**

- 1. All lots or development sites in the C-1 and C-2 districts have no interior yards required where said lots or development sites abut property lines of commercially or industrially zoned property. When interior lot lines of said districts are common with property zoned**

residentially, interior yards of not less than 10 feet shall be required opposite the residential districts.

2. All lots or development sites in the C-3 district shall have no interior yard requirements.
3. All lots or development sites in the C-4 district will comply with the interior yard requirements described in NMC 15.352.040(E).

**Applicant's Facts and Findings:** This application includes a Planned Unit Development (PUD) that proposes reduced yard setbacks. The reduced yard setbacks allow innovation in design and density of this site that promotes the purpose of the PUD to provide an approachable price point for housing, including some affordable housing. The standards for a PUD are discussed previously in this narrative.

This standard is met.

#### **15.410.060 Vision clearance setback.**

The following vision clearance standards shall apply in all zones (see Appendix A, Figure 9).

- A. At the intersection of two streets, including private streets, a triangle formed by the intersection of the curb lines, each leg of the vision clearance triangle shall be a minimum of 50 feet in length.
- B. At the intersection of a private drive and a street, a triangle formed by the intersection of the curb lines, each leg of the vision clearance triangle shall be a minimum of 25 feet in length.
- C. Vision clearance triangles shall be kept free of all visual obstructions from two and one-half feet to nine feet above the curb line. Where curbs are absent, the edge of the asphalt or future curb location shall be used as a guide, whichever provides the greatest amount of vision clearance.
- D. There is no vision clearance requirement within the commercial zoning district(s) located within the riverfront (RF) overlay subdistrict.

**Applicant's Facts and Findings:** The proposed development maintains all required vision clearance setbacks, as demonstrated on the submitted plans.

This standard is met.

#### **15.410.070 Yard exceptions and permitted intrusions into required yard setbacks.**

The following intrusions may project into required yards to the extent and under the conditions and limitations indicated:

- A. **Depressed Areas.** In any district, open work fences, hedges, guard railings or other landscaping or architectural devices for safety protection around depressed ramps, stairs or retaining walls may be located in required yards; provided, that such devices are not more than three and one-half feet in height.
- B. **Accessory Buildings.** In front yards on through lots, where a through lot has a depth of not more than 140 feet, accessory buildings may be located in one of the required front yards; provided, that every portion of such accessory building is not less than 10 feet from the nearest street line.

**C. Projecting Building Features.** The following building features may project into the required front yard no more than five feet and into the required interior yards no more than two feet; provided, that such projections are no closer than three feet to any interior lot line:

1. Eaves, cornices, belt courses, sills, awnings, buttresses or other similar features.
2. Chimneys and fireplaces, provided they do not exceed eight feet in width.
3. Porches, platforms or landings which do not extend above the level of the first floor of the building.
4. Mechanical structures (heat pumps, air conditioners, emergency generators and pumps).

**D. Fences and Walls.**

1. In the residential district, a fence or wall shall be permitted to be placed at the property line or within a yard setback as follows:
  - a. Not to exceed six feet in height. Located or maintained within the required interior yards. For purposes of fencing only, lots that are corner lots or through lots may select one of the street frontages as a front yard and all other yards shall be considered as interior yards, allowing the placement of a six-foot fence on the property line. In no case may a fence extend into the clear vision zone as defined in NMC 15.410.060.
  - b. Not to exceed four feet in height. Located or maintained within all other front yards.
2. In any commercial or industrial district, a fence or wall shall be permitted to be placed at the property line or within a yard setback as follows:
  - a. Not to exceed eight feet in height. Located or maintained in any interior yard except where the requirements of vision clearance apply. For purposes of fencing only, lots that are corner lots or through lots may select one of the street frontages as a front yard and all other yards shall be considered as interior yards, allowing the placement of an eight-foot fence on the property line.
  - b. Not to exceed four feet in height. Located or maintained within all other front yards.
3. If chain link (wire-woven) fences are used, they are manufactured of corrosion-proof materials of at least 11-1/2 gauge.
4. The requirements of vision clearance shall apply to the placement of fences.

**Applicant's Facts and Findings:** The Applicant acknowledges permitted intrusions into required yard setbacks. The fences surrounding the single-family residential in the R-1 and R-2 zoning areas will not exceed 6-feet in height. The fencing in the C-2 zoning areas will not exceed 8-feet in height. No fence exceeding 4-feet in height will be placed in a front yard setback.

This standard is met.

**E. Parking and Service Drives (Also Refer to NMC 15.440.010 through 15.440.080).**

1. In any district, service drives or accessways providing ingress and egress shall be permitted, together with any appropriate traffic control devices in any required yard.
2. In any residential district, public or private parking areas and parking spaces shall not be permitted in any required yard except as provided herein:

- a. Required parking spaces shall be permitted on service drives in the required front yard in conjunction with any single-family or two-family dwelling on a single lot.
  - b. Recreational vehicles, boat trailers, camperettes and all other vehicles not in daily use are restricted to parking in the front yard setback for not more than 48 hours; and recreational vehicles, boat trailers, camperettes and all other vehicles not in daily use are permitted to be located in the required interior yards.
  - c. Public or private parking areas, parking spaces or any building or portion of any building intended for parking which have been identified as a use permitted in any residential district shall be permitted in any interior yard that abuts an alley, provided said parking areas, structures or spaces shall comply with NMC 15.440.070, Parking tables and diagrams (Diagrams 1 through 3).
  - d. Public or private parking areas, service drives or parking spaces which have been identified as a use permitted in any residential district shall be permitted in interior yards; provided, that said parking areas, service drives or parking spaces shall comply with other requirements of this code.
3. In any commercial or industrial district, except C-1, C-4 and M-1, public or private parking areas or parking spaces shall be permitted in any required yard (see NMC 15.410.030). Parking requirements in the C-4 district are described in NMC 15.352.040(H).
4. In the I district, public or private parking areas or parking spaces may be no closer to a front property line than 20 feet, and no closer to an interior property line than five feet.

**F. Public Telephone Booths and Public Transit Shelters.** Public telephone booths and public transit shelters shall be permitted; provided, that vision clearance is maintained for vehicle requirements for vision clearance.

**G. Hangars within the AR airport residential district may be constructed with no yard setbacks to property lines adjacent to other properties within the airport residential or airport industrial districts**

**Applicant’s Facts and Findings:** Parking is proposed on private lots in driveways, on-street parallel, on-street in perpendicular “bays”, and in designated parking lots. There are a total of 246 parking spaces proposed to serve the residential development plus either one or two parking spaces per unit within the garages of the single family homes. The location of the proposed parking areas meets the requirements of this standard.

This standard is met.

### **15.415 Building and Site Design Standards**

#### **15.415.010 Main buildings and uses as accessory buildings.**

**A. Hereinafter, any building which is the only building on a lot is a main building.**

**B. In any residential district except RP, there shall be only one main use per lot or development site; provided, that home occupations shall be allowed where permitted.**

**C. In any residential district, there shall be no more than two accessory buildings on any lot or development site.**

**Applicant's Facts and Findings:** The proposed residential development includes only main residential-use buildings at this time. The Applicant acknowledges that no more than two accessory buildings will be permitted on any lot in the R-zoned portions of the development.

This standard is met.

#### 15.415.020 Building height limitation.

##### A. Residential.

1. **In the R-1, R-2, AR, and RP districts, no main building shall exceed 30 feet in height. Accessory buildings in the R-1, R-2, R-3, AR, and RP districts are limited to 16 feet in height, except as follows:**
  - a. **Up to 800 square feet of an accessory building may have a height of up to 24 feet.**
  - b. **Aircraft hangars in the AR district may be the same height as the main building.**
2. **In the R-3 district, no main building shall exceed 45 feet in height, except, where an R-3 district abuts upon an R-1 district, the maximum permitted building height shall be limited to 30 feet for a distance of 50 feet from the abutting boundary of the aforementioned district.**
3. **Single-family dwellings permitted in commercial or industrial districts shall not exceed 30 feet in height.**

**Applicant's Facts and Findings:** The proposed single-family three story attached and detached structures proposed will exceed the 30 foot height limits. The proposed buildings will be approximately 35 feet in height. The applicant has proposed a height allowance which exceeds the limitations of this section as part of an overall plan to create a planned unit development.

This standard is met.

##### B. Commercial and Industrial.

1. **In the C-1 district no main building or accessory building shall exceed 30 feet in height.**
2. **In the AI, C-2, C-3, M-1, M-2, and M-3 districts there is no building height limitation, except, where said districts abut upon a residential district, the maximum permitted building height shall not exceed the maximum building height permitted in the abutting residential district for a distance of 50 feet from the abutting boundary.**
3. **In the C-4 district, building height limitation is described in NMC 15.352.040(J)(1).**

**Applicant's Facts and Findings:** The multi-family buildings proposed in the C-2 zoned portion of this site require a conditional use permit. As such, the maximum height of buildings in the C-2 zoning district will be stated in the Conditional Use Permit, as required by subsection C., below.

This standard is not applicable as a Conditional Use Permit is requested and will state the maximum height of buildings.

**C. The maximum height of buildings and uses permitted conditionally shall be stated in the conditional use permits.**

**Applicant's Facts and Findings:** The Applicant proposes a maximum building height of 48 feet for the multi-family residential structures. This maximum height shall be stated on the Conditional Use Permit.

This standard is met.

**15.415.040 Public access required.**

**No building or structure shall be erected or altered except on a lot fronting or abutting on a public street or having access to a public street over a private street or easement of record approved in accordance with provisions contained in this code. New private streets may not be created to provide access except as allowed under NMC 15.332.020(B)(24), 15.336.020(B)(8), and in the M-4 zone. Existing private streets may not be used for access for new dwelling units, except as allowed under NMC 15.405.030. No building or structure shall be erected or altered without provisions for access roadways as required in the Oregon Fire Code, as adopted by the city.**

**Applicant's Facts and Findings:** All proposed residential structures will have access to a public street either directly or via a connection from a private street, as permitted by the Planned Unit Development (PUD) criteria and as previously discussed in this narrative.

This standard is met.

**15.420 Landscaping and Outdoor Areas**

**15.420.010 Required minimum standards.**

**A. Private and Shared Outdoor Recreation Areas in Residential Developments.**

- 1. Private Areas.** Each ground-level living unit in a residential development subject to a design review plan approval shall have an accessible outdoor private space of not less than 48 square feet in area. The area shall be enclosed, screened or otherwise designed to provide increased privacy for unit residents, their guests and neighbors.
- 2. Individual and Shared Areas.** Usable outdoor recreation space shall be provided for the individual and/or shared use of residents and their guests in any duplex or multifamily residential development, as follows:
  - a. One- or two-bedroom units:** 200 square feet per unit.
  - b. Three- or more bedroom units:** 300 square feet per unit.
  - c. Storage areas** are required in residential developments. Convenient areas shall be provided in residential developments for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, and the like. These shall be entirely enclosed.
- 3. In the AR airport residential district** a five percent landscaping standard is required with the goal of "softening" the buildings and making the development "green" with plants, where

**possible. The existence of the runway, taxiway, and approach open areas already provide generally for the 15 percent requirement.**

**Applicant's Facts and Findings:** Each ground-level home within the community will have a minimum of 48 square feet of private outdoor open space. The multi-family housing area provides the required shared usable outdoor recreation space. Enclosed storage areas are provided attached to the outdoor private areas in the multi-family residential and in the garages of the single-family residential.

This standard is met.

**B. Required Landscaped Area. The following landscape requirements are established for all developments except single-family dwellings:**

- 1. A minimum of 15 percent of the lot area shall be landscaped; provided, however, that computation of this minimum may include areas landscaped under subsection (B)(3) of this section. Development in the C-3 (central business district) zoning district and M-4 (large lot industrial) zoning district is exempt from the 15 percent landscape area requirement of this section. Additional landscaping requirements in the C-4 district are described in NMC 15.352.040(K). In the AI airport industrial district, only a five percent landscaping standard is required with the goal of "softening" the buildings and making the development "green" with plants, where possible. The existence of the runway, taxiway, and approach open areas already provide generally for the 15 percent requirement. Developments in the AI airport industrial district with a public street frontage shall have said minimum landscaping between the front property line and the front of the building.**

**Applicant's Facts and Findings:** A minimum of fifteen percent (15%) of the area surrounding the multi-family development will be landscaped.

This standard is met.

- 2. All areas subject to the final design review plan and not otherwise improved shall be landscaped.**

**Applicant's Facts and Findings:** All areas included with the final design review plan and not otherwise improved will be landscaped.

This standard is met.

- 3. The following landscape requirements shall apply to the parking and loading areas:**
  - a. A parking or loading area providing 10 or more spaces shall be improved with defined landscaped areas totaling no less than 25 square feet per parking space.**
  - b. A parking, loading area, or drive aisle which runs adjacent to a property line shall be separate from any lot line adjacent to a street by a landscaped strip at least 10 feet in interior width or the width of the required yard, whichever is greater, and any other**

lot line by a landscaped strip of at least five feet in interior width. See subsections (B)(3)(c) and (d) of this section for material to plant within landscape strips.

- c. A landscaped strip separating a parking area, loading area, or drive aisle from a street shall contain street trees spaced as appropriate to the species, not to exceed 50 feet apart on average, and a combination of shrubs and ground cover, or lawn. This landscaping shall provide partial screening of these areas from the street.
- d. A landscaped strip separating a parking area, loading area, or drive aisle from an interior lot line shall contain any combination of trees, shrubs, ground cover or lawn. Plant material shall be selected from at least two different plant material groups (example: trees and shrubs, or lawn and shrubs, or lawn and trees and shrubs).
- e. Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.
- f. Landscaping areas in a parking lot, service drive or loading area shall have an interior width of not less than five feet.
- g. All multifamily, institutional, commercial, or industrial parking areas, service drives, or loading zones which abut a residential district shall be enclosed with a 75 percent opaque, site-obscuring fence, wall or evergreen hedge along and immediately adjacent to any interior property line which abuts the residential district. Landscape plantings must be large enough to provide the required minimum screening requirement within 12 months after initial installation. Adequate provisions shall be maintained to protect walls, fences or plant materials from being damaged by vehicles using said parking areas.
- h. An island of landscaped area shall be located to separate blocks of parking spaces. At a minimum, one deciduous shade tree per seven parking spaces shall be planted to create a partial tree canopy over and around the parking area. No more than seven parking spaces may be grouped together without an island separation unless otherwise approved by the director based on the following alternative standards:
  - i. Provision of a continuous landscaped strip, with a five-foot minimum width, which runs perpendicular to the row of parking spaces (see Appendix A, Figure 13).
  - ii. Provision of tree planting landscape islands, each of which is at least 16 square feet in size, and spaced no more than 50 feet apart on average, within areas proposed for back-to-back parking (see Appendix A, Figure 14).

**Applicant's Facts and Findings:**

As identified on the included site plan, the parking areas providing 10 or more spaces all meet the minimum landscaping requirements. All landscaped areas in parking areas provide a minimum of two different plant material groups, including trees, shrubs, ground cover or lawn. Fencing will be provided in compliance with this Section.

This standard is met.

4. **Trees, Shrubs and Ground Covers.** The species of street trees required under this section shall conform to those authorized by the city council through resolution. The director shall have the responsibility for preparing and updating the street tree species list which shall be adopted in resolution form by the city council.
  - a. Arterial and minor arterial street trees shall have spacing of approximately 50 feet on center. These trees shall have a minimum two-inch caliper tree trunk or stalk at a measurement of two feet up from the base and shall be balled and burlapped or boxed.
  - b. Collector and local street trees shall be spaced approximately 35 to 40 feet on center. These trees shall have a minimum of a one and one-half or one and three-fourths inch tree trunk or stalk and shall be balled and burlapped or boxed.
  - c. **Accent Trees.** Accent trees are trees such as flowering cherry, flowering plum, crab-apple, Hawthorne and the like. These trees shall have a minimum one and one-half inch caliper tree trunk or stalk and shall be at least eight to 10 feet in height. These trees may be planted bare root or balled and burlapped. The spacing of these trees should be approximately 25 to 30 feet on center.
  - d. All broad-leafed evergreen shrubs and deciduous shrubs shall have a minimum height of 12 to 15 inches and shall be balled and burlapped or come from a two-gallon can. Gallon-can size shrubs will not be allowed except in ground covers. Larger sizes of shrubs may be required in special areas and locations as specified by the design review board. Spacing of these shrubs shall be typical for the variety, three to eight feet, and shall be identified on the landscape planting plan.
  - e. **Ground Cover Plant Material.** Ground cover plant material such as greening juniper, cotoneaster, minor Bowles, English ivy, hypericum and the like shall be one of the following sizes in specified spacing for that size:

Gallon cans	3 feet on center
4" containers	2 feet on center
2-1/4" containers	18" on center
Rooted cuttings	12" on center

**Applicant's Facts and Findings:** As identified on the submitted landscaping plan, all street trees and ground cover provided in this development will meet city standards.

This standard is met.

5. **Automatic, underground irrigation systems shall be provided for all areas required to be planted by this section. The director shall retain the flexibility to allow a combination of irrigated and nonirrigated areas. Landscaping material used within nonirrigated areas must consist of drought- resistant varieties. Provision must be made for alternative irrigation**

during the first year after initial installation to provide sufficient moisture for plant establishment.

6. Required landscaping shall be continuously maintained.
7. Maximum height of tree species shall be considered when planting under overhead utility lines.
8. Landscaping requirements and standards for parking and loading areas (subsection (B)(3) of this section) will apply to development proposals unless the institution has addressed the requirements and standards by an approved site development master plan. With an approved site development master plan, the landscape requirements will be reviewed through an administrative Type I review process.
9. In the M-4 zone, landscaping requirements and standards for parking and loading areas (subsection (B)(3) of this section) do not apply unless within 50 feet of a residential district.

**Applicant's Facts and Findings:** Automatic, underground irrigation systems will be provided for all landscaped areas. Landscaping will be continuously maintained and is included as a provision of the dues collection of the included CC&Rs. As identified in the included landscaping plan, the trees and shrubs have been chosen for their appropriateness for the location in which they are to be planted.

This standard is met.

**C. Installation of Landscaping.** All landscaping required by these provisions shall be installed prior to the issuance of occupancy permits, unless security equal to 110 percent of the cost of the landscaping as determined by the director is filed with the city, insuring such installation within six months of occupancy. A security – cash, certified check, time certificates of deposit, assignment of a savings account, bond or such other assurance of completion as shall meet with the approval of the city attorney – shall satisfy the security requirements. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the director, the security may be used by the city to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the city shall be returned to the applicant.

**Applicant's Facts and Findings:** Landscaping will be installed or assured according to City requirements prior to the issuance of occupancy permits.

This standard is met.

#### **15.420.020 Landscaping and amenities in public rights-of-way.**

The following standards are intended to create attractive streetscapes and inviting pedestrian spaces. A review body may require any of the following landscaping and amenities to be placed in abutting public rights-of-way as part of multifamily, commercial, industrial, or institutional design reviews, or for subdivisions and planned unit developments. In addition, any entity improving existing rights-of-way should consider including these elements in the project. A decision to include any amenity

shall be based on comprehensive plan guidelines, pedestrian volumes in the area, and the nature of surrounding development.

**A. Pedestrian Space Landscaping.** Pedestrian spaces shall include all sidewalks and medians used for pedestrian refuge. Spaces near sidewalks shall provide plant material for cooling and dust control, and street furniture for comfort and safety, such as benches, waste receptacles and pedestrian-scale lighting. These spaces should be designed for short-term as well as long-term use. Elements of pedestrian spaces shall not obstruct sightlines and shall adhere to any other required city safety measures. Medians used for pedestrian refuge shall be designed for short-term use only with plant material for cooling and dust control, and pedestrian-scale lighting. The design of these spaces shall facilitate safe pedestrian crossing with lighting and accent paving to delineate a safe crossing zone visually clear to motorists and pedestrians alike.

1. Street trees planted in pedestrian spaces shall be planted according to NMC 15.420.010(B)(4).
2. Pedestrian spaces shall have low (two and one-half feet) shrubs and ground covers for safety purposes, enhancing visibility and discouraging criminal activity.
  - a. Plantings shall be 90 percent evergreen year-round, provide seasonal interest with fall color or blooms, and at maturity maintain growth within the planting area (refer to plant material matrix below).
  - b. Plant placement shall also adhere to clear sight line requirements as well as any other relevant city safety measures
3. Pedestrian-scale lighting shall be installed along sidewalks and in medians used for pedestrian refuge.
  - a. Pole lights as well as bollard lighting may be specified; however, the amount and type of pedestrian activity during evening hours, e.g., transit stops, nighttime service districts, shall ultimately determine the type of fixture chosen.
  - b. Luminaire styles shall match the area/district theme of existing luminaires and shall not conflict with existing building or roadway lights causing glare.
  - c. Lighting heights and styles shall be chosen to prevent glare and to designate a clear and safe path and limit opportunities for vandalism (see Appendix A, Figure 17, Typical Pedestrian Space Layouts).
  - d. Lighting shall be placed near the curb to provide maximum illumination for spaces furthest from building illumination. Spacing shall correspond to that of the street trees to prevent tree foliage from blocking light.
4. Street furniture such as benches and waste receptacles shall be provided for spaces near sidewalks only.
  - a. Furniture should be sited in areas with the heaviest pedestrian activity, such as downtown, shopping districts, and shopping centers.
  - b. Benches should be arranged to facilitate conversation between individuals with L-shaped arrangements and should face the area focal point, such as shops, fountains, plazas, and should divert attention away from nearby traffic.
5. Paving and curb cuts shall facilitate safe pedestrian crossing and meet all ADA requirements for accessibility.

**Applicant's Facts and Findings:** The submitted landscaping plan identifies landscaping and amenities proposed for the public right-of-way. Due to the residential nature of the site and the amenities to be provided within the project's open spaces, the public rights-of-way have been provided with mainly plantings. Once the commercial component of this site develops, we would anticipate the need for more benches, trash receptacles and other pedestrian amenities, potentially within the rights-of-way.

This standard is met.

**B. Planting Strip Landscaping. All planting strips shall be landscaped. Planting strips provide a physical and psychological buffer for pedestrians from traffic with plant material that reduces heat and dust, creating a more comfortable pedestrian environment. Planting strips shall have different arrangements and combinations of plant materials according to the frequency of on-street parking (see Appendix A, Figures 18 and 19).**

1. Planting strips which do not have adjacent parking shall have a combination of ground covers, low (two and one-half feet) shrubs and trees. Planting strips adjacent to frequently used on-street parking, as defined by city staff, shall only have trees protected by tree grates, and planting strips adjacent to infrequently used on-street parking shall be planted with ground cover as well as trees (see Appendix A, Figures 18 and 19, Typical Planting Strip Layouts). District themes or corridor themes linking individual districts should be followed utilizing a unifying plant characteristic, e.g., bloom color, habit, or fall color. When specifying thematic plant material, monocultures should be avoided, particularly those species susceptible to disease.
2. Street trees shall be provided in all planting strips as provided in NMC 15.420.010(B)(4).
  - a. Planting strips without adjacent parking or with infrequent adjacent parking shall have street trees in conjunction with ground covers and/or shrubs.
  - b. Planting strips with adjacent parking used frequently shall have only street trees protected by tree grates.
3. Shrubs and ground covers shall be provided in planting strips without adjacent parking with low (two and one-half feet) planting masses to enhance visibility, discourage criminal activity, and provide a physical as well as psychological buffer from passing traffic.
  - a. Plantings shall be 90 percent evergreen year-round, provide seasonal interest with fall color or blooms and at maturity maintain growth within the planting area.
  - b. Ground cover able to endure infrequent foot traffic shall be used in combination with street trees for planting strips with adjacent occasional parking (refer to plant material matrix below).
  - c. All plant placement shall adhere to clear sight line requirements as well as any other relevant city safety measures.

**C. Maintenance. All landscapes shall be maintained for the duration of the planting to encourage health of plant material as well as public health and safety. All street trees and shrubs shall be pruned to maintain health and structure of the plant material for public safety purposes.**

**Applicant's Facts and Findings:** As identified in the included landscaping plan, all planting strips will be landscaped with a combination of ground covers, shrubs and trees. All landscaping will be maintained for the duration of the planting and all street trees and shrubs will be pruned to maintain the health and structure of the plants.

This standard is met.

**D. Exception. In the AI airport industrial district and AR airport residential district, no landscape or amenities except for grass are required for any area within 50 feet of aircraft operation areas including aircraft parking areas, taxiways, clear areas, safety areas, object-free areas, and the runway.**

**Applicant's Facts and Findings:** This standard is not in the AI or AR zone and, as such, this standard is not applicable.

## **15.425 Exterior Lighting**

### **15.425.010 Purpose.**

The purpose of this chapter is to regulate the placement, orientation, distribution patterns, and fixture types of on-site outdoor lighting. The intent of this section is to provide minimum lighting standards that promote safety, utility, and security, prevent glare on public roadways, and protect the privacy of residents.

### **15.425.020 Applicability and exemptions.**

**A. Applicability.** Outdoor lighting shall be required for safety and personal security in areas of assembly, parking, and traverse, as part of multifamily residential, commercial, industrial, public, recreational and institutional uses. The applicant for any Type I or Type II development permit shall submit, as part of the site plan, evidence that the proposed outdoor lighting plan will comply with this section. This information shall contain but not be limited to the following:

- 1. The location, height, make, model, lamp type, wattage, and proposed cutoff angle of each outdoor lighting fixture.**
- 2. Additional information the director may determine is necessary, including but not limited to illuminance level profiles, hours of business operation, and percentage of site dedicated to parking and access.**
- 3. If any portion of the site is used after dark for outdoor parking, assembly or traverse, an illumination plan for these areas is required. The plan must address safety and personal security.**

**B. Exemptions.** The following uses shall be exempt from the provisions of this section:

- 1. Public street and airport lighting.**
- 2. Circus, fair, carnival, or outdoor governmentally sponsored event or festival lighting.**
- 3. Construction or emergency lighting, provided such lighting is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.**

4. **Temporary Lighting.** In addition to the lighting otherwise permitted in this code, a lot may contain temporary lighting during events as listed below:
  - a. **Grand Opening Event.** A grand opening is an event of up to 30 days in duration within 30 days of issuance of a certificate of occupancy for a new or remodeled structure, or within 30 days of change of business or ownership. No lot may have more than one grand opening event per calendar year. The applicant shall notify the city in writing of the beginning and ending dates prior to the grand opening event.
  - b. **Other Events.** A lot may have two other events per calendar year. The events may not be more than eight consecutive days in duration, nor less than 30 days apart.
5. **Lighting activated by motion sensor devices.**
6. **Nonconforming lighting in place as of September 5, 2000.** Replacement of nonconforming lighting is subject to the requirements of NMC 15.205.010 through 15.205.100.
7. **Light Trespass onto Industrial Properties.** The lighting trespass standards of NMC 15.425.040 do not apply where the light trespass would be onto an industrially zoned property.

**Applicant’s Facts and Findings:** The land use submittal includes a lighting plan identifying the location, height, make, model, lamp type, wattage, and proposed cutoff angle of each outdoor lighting fixture. Lighting is provided in the parking areas and the multi-family residential buildings.

This standard is met.

**15.425.030 Alternative materials and methods of construction, installation, or operation.**

The provisions of this section are not intended to prevent the use of any design, material, or methods of installation or operation not specifically prescribed by this section, provided any such alternate has been approved by the director. Alternatives must be an approximate equivalent to the applicable specific requirement of this section and must comply with all other applicable standards in this section.

**Applicant’s Facts and Findings:** This land use submittal does not include a request for alternative materials and methods of construction, installation or operation.

This standard is met.

**15.425.040 Requirements.**

**A. General Requirements – All Zoning Districts.**

1. **Low-level light fixtures include exterior lights which are installed between ground level and six feet tall. Low-level light fixtures are considered nonintrusive and are unrestricted by this code.**
2. **Medium-level light fixtures include exterior lights which are installed between six feet and 15 feet above ground level. Medium-level light fixtures must either comply with the shielding requirements of subsection (B) of this section, or the applicant shall show that light trespass from a property has been designed not to exceed one-half foot-candle at the property line.**

3. High-level light fixtures include exterior lights which are installed 15 feet or more above ground level. High-level light fixtures must comply with the shielding requirements of subsection (B) of this section, and light trespass from a property may not exceed one-half foot-candle at the property line.

**B. Table of Shielding Requirements.**

Fixture Lamp Type	Shielded
Low/high pressure sodium, mercury vapor, metal halide and fluorescent over 50 watts	Fully
Incandescent over 160 watts	Fully
Incandescent 160 watts or less	None
Fossil fuel	None
Any light source of 50 watts or less	None
Other sources	As approved by NMC <u>15.425.030</u>

**Applicant’s Facts and Findings:** The land use submittal includes a lighting plan identifying the location, height, make, model, lamp type, wattage, and proposed cutoff angle of each outdoor lighting fixture. Lighting is provided in the parking areas and the multi-family residential buildings. All medium- and high-level lighting is designed to meet this section.

This standard is met.

**15.430 Underground Utility Installation**

**15.430.010 Underground utility installation.**

**A. All new utility lines, including but not limited to electric, communication, natural gas, and cable television transmission lines, shall be placed underground. This does not include surface-mounted transformers, connections boxes, meter cabinets, service cabinets, temporary facilities during construction, and high-capacity electric lines operating at 50,000 volts or above.**

**B. Existing utility lines shall be placed underground when they are relocated, or when an addition or remodel requiring a Type II design review is proposed, or when a developed area is annexed to the city.**

**C. The director may make exceptions to the requirement to underground utilities based on one or more of the following criteria:**

1. The cost of undergrounding the utility is extraordinarily expensive.
2. There are physical factors that make undergrounding extraordinarily difficult.
3. Existing utility facilities in the area are primarily overhead and are unlikely to be changed.

**Applicant’s Facts and Findings:** All new utility lines will be located underground.

This standard is met.

**15.440 Off-Street Parking, Bicycle Parking, and Private Walkways**

## Article I. Off-Street Parking Requirements

### 15.440.010 Required off-street parking.

**A. Off-street parking shall be provided on the development site for all R-1, C-1, M-1, M-2 and M-3 zones. In all other zones, the required parking shall be on the development site or within 400 feet of the development site which the parking is required to serve. All required parking must be under the same ownership as the development site served except through special covenant agreements as approved by the city attorney, which bind the parking to the development site.**

**B. Off-street parking is not required in the C-3 district, except for:**

- 1. Dwelling units meeting the requirements noted in NMC 15.305.020.**
- 2. New development which is either immediately adjacent to a residential district or separated by nothing but an alley.**

**C. Within the C-4 district, the minimum number of required off-street parking spaces shall be 50 percent of the number required by NMC 15.440.030, except that no reduction is permitted for residential uses.**

**D. All commercial, office, or industrial developments that have more than 20 off-street parking spaces and that have designated employee parking must provide at least one preferential carpool/vanpool parking space. The preferential carpool/vanpool parking space(s) must be located close to a building entrance.**

**Applicant's Facts and Findings:** The proposed parking for the single-family homes will be on the same lot as the use. Additional on-street parking and "guest parking" areas are proposed and will be owned and maintained according to the CC&Rs for the Homeowner's Association. The proposed parking for the multi-family buildings will also be on the same development site as the buildings, in a parking lot adjacent to the buildings. There are no commercial, office or industrial developments proposed at this time and, as such, no carpool/vanpool parking spaces are required.

This standard is met.

### 15.440.020 Parking area and service drive design.

**A. All public or private parking areas, parking spaces, or garages shall be designed, laid out and constructed in accordance with the minimum standards as set forth in NMC 15.440.070.**

**B. Groups of three or more parking spaces, except those in conjunction with single-family or two-family dwellings on a single lot, shall be served by a service drive so that no backward movement or other maneuvering of a vehicle within a street, other than an alley, will be required. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety in traffic access and egress and maximum safety of pedestrian and vehicular traffic on the site, but in no case shall two-way and one-way service drives be less than 20 feet and 12 feet, respectively. Service drives shall be improved in accordance with the minimum standards as set forth in NMC 15.440.060.**

**C. Gates. A private drive or private street serving as primary access to more than one dwelling unit shall not be gated to limit access, except as approved by variance.**

D. In the AI airport industrial district and AR airport residential district, taxiways may be used as part of the service drive design where an overall site plan is submitted that shows how the circulation of aircraft and vehicles are safely accommodated, where security fences are located, if required, and is approved by the fire marshal, planning director, and public works director. The following submittal must be made:

1. A drawing of the area to be developed, including the probable location, height, and description of structures to be constructed; the location and description of a security fence or gate to secure the aircraft operations areas of off-airport property from the other nonsecured pedestrian/auto/truck areas of on-airport property; the proposed location of the proposed taxiway access in accordance with FAA specifications (refer to Federal Aviation Administration Advisory Circular No. 150/5300-13 regarding airport design, and AC/5370-10B regarding construction standards for specifications that should be used as a guideline); and the identification of the vehicular traffic pattern area clearly separated from aircraft traffic. Once specific buildings have been designed, FAA Form 7460-1, Notice of Proposed Construction or Alteration, must be submitted to the City of Newberg, the private airport owner, and the FAA for airspace review.

**15.440.030 Parking spaces required.**

Use	Minimum Parking Spaces Required
<b>Residential Types</b>	
<p><b>Dwelling, multifamily and multiple single-family dwellings on a single lot</b></p> <p><b>Studio or one-bedroom unit</b></p> <p><b>Two-bedroom unit</b></p> <p><b>Three- and four-bedroom unit</b></p> <p><b>Five- or more bedroom unit</b></p> <ul style="list-style-type: none"> <li>• Unassigned spaces</li> <li>• Visitor spaces</li> <li>• On-street parking credit</li> </ul>	<p><b>1 per <u>dwelling unit</u></b></p> <p><b>1.5 per <u>dwelling unit</u></b></p> <p><b>2 per <u>dwelling unit</u></b></p> <p><b>0.75 spaces per bedroom</b></p> <p><b>If a development is required to have more than 10 spaces on a <u>lot</u>, then it must provide some unassigned spaces. At least 15 percent of the total required <u>parking spaces</u> must be unassigned and be located for convenient <u>use</u> by all occupants of the development. The location shall be approved by the <u>director</u>.</b></p> <p><b>If a development is required to have more than 10 spaces on a <u>lot</u>, then it must provide at least 0.2 visitor spaces per <u>dwelling unit</u>.</b></p> <p><b>On-street parking spaces may be counted toward the minimum number of required spaces for developments required to have more than 10 spaces on a lot. The on-street spaces must be directly adjoining and on the same side of the street as the subject property, must be legal spaces that meet all city standards, and cannot be counted if they could be</b></p>

<ul style="list-style-type: none"> <li>• Available transit service</li> </ul>	<p>removed by planned future street widening or a bike lane on the street.</p> <p>At the review body’s discretion, affordable housing projects may reduce the required off-street parking by 10 percent if there is an adequate continuous pedestrian route no more than 1,500 feet in length from the development to transit service with an average of less than one hour regular service intervals during commuting periods or where the development provides its own transit. A developer may qualify for this parking reduction if improvements on a proposed pedestrian route are made by the developer, thereby rendering it an adequate continuous route.</p>
<p>Dwelling, single-family or two-family</p>	<p>2 for each dwelling unit on a single lot</p>

**Applicant’s Facts and Findings:** All single-family development will have parking on the individual lots. The multi-family development proposes to create 51 units with 27 one bedroom homes and 24 two bedroom homes. The required parking for the one bedroom units is 27 spaces, the two bedroom units require 36 parking spaces and a total of 10 visitor parking spaces are required for a total of 74 parking spaces. As proposed, 92 spaces are provided which are on the same site as the multi-family buildings. An additional 7 on-street parking spaces are provided adjacent to the multi-family lot.

This standard is met.

**15.440.060 Parking area and service drive improvements.**

**All public or private parking areas, outdoor vehicle sales areas, and service drives shall be improved according to the following:**

**A. All parking areas and service drives shall have surfacing of asphaltic concrete or Portland cement concrete or other hard surfacing such as brick or concrete pavers. Other durable and dust-free surfacing materials may be approved by the director for infrequently used parking areas. All parking areas and service drives shall be graded so as not to drain stormwater over the public sidewalk or onto any abutting public or private property.**

**B. All parking areas shall be designed not to encroach on public streets, alleys, and other rights-of-way. Parking areas shall not be placed in the area between the curb and sidewalk or, if there is no sidewalk, in the public right-of-way between the curb and the property line. The director may issue a permit for exceptions for unusual circumstances where the design maintains safety and aesthetics.**

**C. All parking areas, except those required in conjunction with a single-family or two-family dwelling, shall provide a substantial bumper which will prevent cars from encroachment on abutting private and public property.**

**D. All parking areas, including service drives, except those required in conjunction with single-family or two-family dwellings, shall be screened in accordance with NMC 15.420.010(B).**

- E. Any lights provided to illuminate any public or private parking area or vehicle sales area shall be so arranged as to reflect the light away from any abutting or adjacent residential district.
- F. All service drives and parking spaces shall be substantially marked and comply with NMC 15.440.070.
- G. Parking areas for residential uses shall not be located in a required front yard, except as follows:
  1. Attached or detached single-family or two-family: parking is authorized in a front yard on a service drive which provides access to an improved parking area outside the front yard.
  2. Three- or four-family: parking is authorized in a front yard on a service drive which is adjacent to a door at least seven feet wide intended and used for entrance of a vehicle (see Appendix A, Figure 12).
- H. A reduction in size of the parking stall may be allowed for up to a maximum of 30 percent of the total number of spaces to allow for compact cars. For high turnover uses, such as convenience stores or fast-food restaurants, at the discretion of the director, all stalls will be required to be full-sized.
- I. Affordable housing projects may use a tandem parking design, subject to approval of the community development director.
- J. Portions of off-street parking areas may be developed or redeveloped for transit-related facilities and uses such as transit shelters or park-and-ride lots, subject to meeting all other applicable standards, including retaining the required minimum number of parking spaces.

**Applicant’s Facts and Findings:** As identified on the submitted site plan and utility plans, all parking areas and service drives will be constructed to City standards. Parking areas do not encroach on public streets. Substantial parking bumpers are provided for the multi-family parking area. All parking area lighting will be designed to reduce light spill and glare away from any proposed or existing neighboring developments.

This standard is met.

**Article II. Bicycle Parking**

**15.440.090 Purpose.**

Cycling is a healthy activity for travel and recreation. In addition, by maximizing bicycle travel, the community can reduce negative effects of automobile travel, such as congestion and pollution. To maximize bicycle travel, developments must provide effective support facilities. At a minimum, developments need to provide a secure place for employees, customers, and residents to park their bicycles. [Ord. 2564, 4-15-02; Ord. 2518, 9-21-99. Code 2001 § 151.625.1.]

**15.440.100 Facility requirements.**

Bicycle parking facilities shall be provided for the uses shown in the following table. Fractional space requirements shall be rounded up to the next whole number.

Use	Minimum Number of Bicycle Parking Spaces Required
-----	---

New multiple <u>dwelling</u> s, including additions creating additional <u>dwelling units</u>	One bicycle <u>parking space</u> for every four <u>dwelling units</u>
---	---

**Applicant’s Facts and Findings:** The proposed 51 multi-family dwelling units requires 13 bicycle parking spaces. This proposal includes the provision of 13 bicycle parking spaces.

This standard is met.

**15.440.110 Design.**

**A. Bicycle parking facilities shall consist of one or more of the following:**

1. A firmly secured loop, bar, rack, or similar facility that accommodates locking the bicycle frame and both wheels using a cable or U-shaped lock.
2. An enclosed locker.
3. A designated area within the ground floor of a building, garage, or storage area. Such area shall be clearly designated for bicycle parking.
4. Other facility designs approved by the director.

**B. All bicycle parking spaces shall be at least six feet long and two and one-half feet wide. Spaces shall not obstruct pedestrian travel.**

**C. All spaces shall be located within 50 feet of a building entrance of the development.**

**D. Required bicycle parking facilities may be located in the public right-of-way adjacent to a development subject to approval of the authority resp**

**Applicant’s Facts and Findings:** As shown on the included site development plans, the bicycle parking facility is designed to meet these requirements.

This standard is met.

**Article III. Private Walkways**

**15.440.120 Purpose.**

Sidewalks and private walkways are part of the city’s transportation system. Requiring their construction is part of the city’s plan to encourage multimodal travel and to reduce reliance on the automobile. Considerable funds have and will be expended to install sidewalks along the streets in the city. Yet there is little point to this expense if it is not possible for people to walk from the sidewalk to the developments along each side. The following requirements are intended to provide safe and convenient paths for employees, customers, and residents to walk from public sidewalks to development entrances, and to walk between buildings on larger sites.

**15.440.130 Where required.**

Private walkways shall be constructed as part of any development requiring Type II design review, including mobile home parks. In addition, they may be required as part of conditional use permits or planned unit developments. In the airport industrial (AI) district and residential (AR) district, on-

site walks are not required in aircraft operations areas, such as parking aprons, taxiways, and runways.

**Applicant's Facts and Findings:** As this application includes a Planned Unit Development and Conditional Use Permit, walkways and sidewalks are required.

This standard is met.

#### **15.440.140 Private walkway design.**

**A. All required private walkways shall meet the applicable building code and Americans with Disabilities Act requirements.**

**B. Required private walkways shall be a minimum of four feet wide.**

**C. Required private walkways shall be constructed of portland cement concrete or brick.**

**D. Crosswalks crossing service drives shall, at a minimum, be painted on the asphalt or clearly marked with contrasting paving materials or humps/raised crossings. If painted striping is used, it should consist of thermoplastic striping or similar type of durable application.**

**E. At a minimum, required private walkways shall connect each main pedestrian building entrance to each abutting public street and to each other.**

**F. The review body may require on-site walks to connect to development on adjoining sites.**

**G. The review body may modify these requirements where, in its opinion, the development provides adequate on-site pedestrian circulation, or where lot dimensions, existing building layout, or topography preclude compliance with these standards.**

**Applicant's Facts and Findings:** The proposal includes private walkways connecting the multi-family units to Highway 99W and connecting the western portion of the site to Spring Meadow Park. These walkways will be a minimum of 4-feet in width and will be constructed of Portland cement concrete. Crosswalks will be provided on the site to delineate the shift from public streets to private streets. Crosswalks will be painted/clearly striped in conformance with these requirements.

This standard is met.

### **Division 15.500 Public Improvement Standards**

#### **15.505 Public Improvements Standards**

##### **15.505.010 Purpose.**

This chapter provides standards for public infrastructure and utilities installed with new development, consistent with the policies of the City of Newberg comprehensive plan and adopted city master plans. The standards are intended to minimize disturbance to natural features, promote energy conservation and efficiency, minimize and maintain development impacts on surrounding properties and neighborhoods, and ensure timely completion of adequate public facilities to serve new development.

##### **15.505.020 Applicability.**

The provision and utilization of public facilities and services within the City of Newberg shall apply to all land developments in accordance with this chapter. No development shall be approved unless the following improvements are provided for prior to occupancy or operation, unless future provision is assured in accordance with NMC 15.505.030(E).

**A. Public Works Design and Construction Standards.** The design and construction of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the city, and all improvements for which city approval is required shall comply with the requirements of the most recently adopted Newberg public works design and construction standards.

**B. Street Improvements.** All projects subject to a Type II design review, partition, or subdivision approval must construct street improvements necessary to serve the development.

**C. Water.** All developments, lots, and parcels within the City of Newberg shall be served by the municipal water system as specified in Chapter 13.15 NMC.

**D. Wastewater.** All developments, lots, and parcels within the City of Newberg shall be served by the municipal wastewater system as specified in Chapter 13.10 NMC.

**E. Stormwater.** All developments, lots, and parcels within the City of Newberg shall manage stormwater runoff as specified in Chapters 13.20 and 13.25 NMC.

**F. Utility Easements.** Utility easements shall be provided as necessary and required by the review body to provide needed facilities for present or future development of the area.

**G. City Approval of Public Improvements Required.** No building permit may be issued until all required public facility improvements are in place and approved by the director, or are otherwise bonded for in a manner approved by the review authority, in conformance with the provisions of this code and the Newberg Public Works Design and Construction Standards.

**Applicant's Facts and Findings:**

As identified on the included public improvement plans, the design and construction of all improvements within existing and proposed public rights-of-way and easements and all improvements to be maintained by the city are designed to comply with the requirements of the most recently adopted Newberg public works design and construction standards. All improvements for which city approval is required are proposed to the most recently adopted Newberg public works design and construction standards or, in the case of private streets, as reviewed and approved by the Newberg Engineering Department. The site development plan includes private and public streets, utility easements where necessary, connection to public water and sanitary sewer services and management of stormwater runoff.

This standard is met.

**15.505.030 Street standards.**

**A. Purpose.** The purpose of this section is to:

1. Provide for safe, efficient, and convenient multi-modal transportation within the City of Newberg.

2. Provide adequate access to all proposed and anticipated developments in the City of Newberg. For purposes of this section, “adequate access” means direct routes of travel between destinations; such destinations may include residential neighborhoods, parks, schools, shopping areas, and employment centers.
3. Provide adequate area in all public rights-of-way for sidewalks, wastewater and water lines, stormwater facilities, natural gas lines, power lines, and other utilities commonly and appropriately placed in such rights-of-way. For purposes of this section, “adequate area” means space sufficient to provide all required public services to standards defined in this code and in the Newberg public works design and construction standards.

**B. Applicability.** The provisions of this section apply to:

1. The creation, dedication, and/or construction of all public streets, bike facilities, or pedestrian facilities in all subdivisions, partitions, or other developments in the City of Newberg.
2. The extension or widening of existing public street rights-of-way, easements, or street improvements including those which may be proposed by an individual or the city, or which may be required by the city in association with other development approvals.
3. The construction or modification of any utilities, pedestrian facilities, or bike facilities in public rights-of-way or easements.
4. The designation of planter strips. Street trees are required subject to Chapter 15.420 NMC.
5. Developments outside the city that tie into or take access from city streets.

**Applicant’s Facts and Findings:** As demonstrated in the public improvement plans, this development includes public and private streets designed to provide safe and convenient vehicular and pedestrian access. Proposed improvements include paved streets, curbs (rolled curb on private streets), sidewalks, crosswalks, planter strips with street trees and appropriate groundcover, and utility easements where necessary.

This standard is met.

**C. Layout of Streets, Alleys, Bikeways, and Walkways.** Streets, alleys, bikeways, and walkways shall be laid out and constructed as shown in the Newberg transportation system plan. In areas where the transportation system plan or future street plans do not show specific transportation improvements, roads and streets shall be laid out so as to conform to previously approved subdivisions, partitions, and other developments for adjoining properties, unless it is found in the public interest to modify these patterns. Transportation improvements shall conform to the standards within the Newberg Municipal Code, the Newberg public works design and construction standards, the Newberg transportation system plan, and other adopted city plans.

**Applicant’s Facts and Findings:** While no bikeways are proposed, the streets, alleys and walkways are designed to comply with the Newberg Transportation System Plan. Streets are planned to meet with adjoining roadways and to provide for future connectivity to the east.

This standard is met.

**D. Construction of New Streets.** Where new streets are necessary to serve a new development, subdivision, or partition, right-of-way dedication and full street improvements shall be required. Three-quarter streets may be approved in lieu of full street improvements when the city finds it to be practical to require the completion of the other one-quarter street improvement when the adjoining property is developed; in such cases, three-quarter street improvements may be allowed by the city only where all of the following criteria are met:

1. The land abutting the opposite side of the new street is undeveloped and not part of the new development; and
2. The adjoining land abutting the opposite side of the street is within the city limits and the urban growth boundary.

**Applicant's Facts and Findings:** Full street improvements are proposed throughout the site.

This standard is met.

**E. Improvements to Existing Streets.**

1. All projects subject to partition, subdivision, or Type II design review approval shall dedicate right-of-way sufficient to improve the street to the width specified in subsection (G) of this section.
2. All projects subject to partition, subdivision, or Type II design review approval must construct a minimum of a three-quarter street improvement to all existing streets adjacent to, within, or necessary to serve the development. The director may waive or modify this requirement where the applicant demonstrates that the condition of existing streets to serve the development meets city standards and is in satisfactory condition to handle the projected traffic loads from the development. Where a development has frontage on both sides of an existing street, full street improvements are required.
3. In lieu of the street improvement requirements outlined in NMC 15.505.040(B), the review authority may elect to accept from the applicant monies to be placed in a fund dedicated to the future reconstruction of the subject street(s). The amount of money deposited with the city shall be 100 percent of the estimated cost of the required street improvements (including any associated utility improvements), and 10 percent of the estimated cost for inflation. Cost estimates used for this purpose shall be based on preliminary design of the constructed street provided by the applicant's engineer and shall be approved by the director.

**Applicant's Facts and Findings:** The proposal includes development of full street improvements throughout the site. The public streets will be constructed to public street standards and dedicated to the City of Newberg. The private streets will be full street improvements and will be owned and maintained by the future Homeowner's Association subject to the CC&Rs (a draft of which is submitted with this proposal).

This standard is met.

**F. Improvements Relating to Impacts.** Improvements required as a condition of development approval shall be roughly proportional to the impact of the development on public facilities and services. The review body must make findings in the development approval that indicate how the required improvements are roughly proportional to the impact. Development may not occur until required transportation facilities are in place or guaranteed, in conformance with the provisions of this code. If required transportation facilities cannot be put in place or be guaranteed, then the review body shall deny the requested land use application.

**Applicant’s Facts and Findings:** Development of the proposed street network and utilities within the development and connecting to the neighboring properties is roughly proportional to the transportation and development impacts from the development. Transportation facilities will be in place or guaranteed prior to development of the site.

This standard is met.

**G. Street Width and Design Standards.**

- 1. Design Standards.** All streets shall conform with the standards contained in Table 15.505.030(G). Where a range of values is listed, the director shall determine the width based on a consideration of the total street section width needed, existing street widths, and existing development patterns. Preference shall be given to the higher value. Where values may be modified by the director, the overall width shall be determined using the standards under subsections (G)(2) through (10) of this section.

**Table 15.505.030(G) Street Design Standards**

Type of Street	Right-of-Way Width	Curb-to-Curb Pavement Width	Motor Vehicle Travel Lanes	Median Type	Striped Bike Lane (Both Sides)	On-Street Parking
<b>Arterial Streets</b>						
Expressway**	ODOT	ODOT	ODOT	ODOT	ODOT	ODOT
Minor arterial	69 – 80 feet	48 feet	2 lanes	TWLT or median*	Yes	No*
<b>Collectors</b>						
Minor	61 – 65 feet	40 feet	2 lanes	None*	Yes*	Yes*
<b>Local Streets</b>						
Local residential	54-60 feet	32 feet	2 lanes	None	No	Yes

- 2. Motor Vehicle Travel Lanes.** Collector and arterial streets shall have a minimum width of 12 feet.
- 3. Bike Lanes.** Striped bike lanes shall be a minimum of six feet wide. Bike lanes shall be provided where shown in the Newberg transportation system plan.

4. **Parking Lanes.** Where on-street parking is allowed on collector and arterial streets, the parking lane shall be a minimum of eight feet wide.
5. **Center Turn Lanes.** Where a center turn lane is provided, it shall be a minimum of 12 feet wide.
6. **Limited Residential Streets.** Limited residential streets shall be allowed only at the discretion of the review authority, and only in consideration of the following factors:
  - a. The requirements of the fire chief shall be followed.
  - b. The estimated traffic volume on the street is low, and in no case more than 600 average daily trips.
  - c. Use for through streets or looped streets is preferred over cul-de-sac streets.
  - d. Use for short blocks (under 400 feet) is preferred over longer blocks.
  - e. The total number of residences or other uses accessing the street in that block is small, and in no case more than 30 residences.
  - f. On-street parking usage is limited, such as by providing ample off-street parking, or by staggering driveways so there are few areas where parking is allowable on both sides.
7. **Sidewalks.** Sidewalks shall be provided on both sides of all public streets. Minimum width is five feet.
8. **Planter Strips.** Except where infeasible, a planter strip shall be provided between the sidewalk and the curb line, with a minimum width of five feet. This strip shall be landscaped in accordance with the standards in NMC 15.420.020. Curb-side sidewalks may be allowed on limited residential streets. Where curb-side sidewalks are allowed, the following shall be provided:
  - a. Additional reinforcement is done to the sidewalk section at corners.
  - b. Sidewalk width is six feet.
9. **Slope Easements.** Slope easements shall be provided adjacent to the street where required to maintain the stability of the street.
10. **Intersections and Street Design.** The street design standards in the Newberg public works design and construction standards shall apply to all public streets, alleys, bike facilities, and sidewalks in the city.
11. **The planning commission may approve modifications to street standards for the purpose of ingress or egress to a minimum of three and a maximum of six lots through a conditional use permit.**

**Applicant's Facts and Findings:** Streets, sidewalks and planter strips, as identified on the proposed public improvement plans, are designed to meet the standards of the Newberg Transportation System Plan and this section.

This standard is met.

**H. Modification of Street Right-of-Way and Improvement Width.** The director, pursuant to the Type II review procedures of Chapter 15.220 NMC, may allow modification to the public street standards

of subsection (G) of this section, when the criteria in both subsections (H)(1) and (2) of this section are satisfied:

1. The modification is necessary to provide design flexibility in instances where:
  - a. Unusual topographic conditions require a reduced width or grade separation of improved surfaces; or
  - b. Lot shape or configuration precludes accessing a proposed development with a street which meets the full standards of this section; or
  - c. A modification is necessary to preserve trees or other natural features determined by the city to be significant to the aesthetic character of the area; or
  - d. A planned unit development is proposed and the modification of street standards is necessary to provide greater privacy or aesthetic quality to the development.
2. Modification of the standards of this section shall only be approved if the director finds that the specific design proposed provides adequate vehicular access based on anticipated traffic volumes.

**Applicant's Facts and Findings:** Street modifications are not proposed as part of this development and, as such, this standard is not applicable.

**I. Temporary Turnarounds.** Where a street will be extended as part of a future phase of a development, or as part of development of an abutting property, the street may be terminated with a temporary turnaround in lieu of a standard street connection or circular cul-de-sac bulb. The director and fire chief shall approve the temporary turnaround. It shall have an all-weather surface, and may include a hammerhead-type turnaround meeting fire apparatus access road standards, a paved or graveled circular turnaround, or a paved or graveled temporary access road. For streets extending less than 150 feet and/or with no significant access, the director may approve the street without a temporary turnaround. Easements or right-of-way may be required as necessary to preserve access to the turnaround.

**Applicant's Facts and Findings:** The east-west minor collector dead-ends at the eastern property line for connection to future development. The easternmost north-south private street creates a hammerhead-type turnaround with the minor collector.

This standard is met.

**J. Topography.** The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of this code.

**Applicant's Facts and Findings:** The layout of the streets takes into consideration the surrounding topography.

This standard is met.

**K. Future Extension of Streets.** All new streets required for a subdivision, partition, or a project requiring site design review shall be constructed to be “to and through”: through the development and to the edges of the project site to serve adjacent properties for future development.

**Applicant’s Facts and Findings:** The street network connects to the existing street to the north and future street development to the east. Connection to the west is not possible because the entire property line is adjacent to Spring Meadow Park. The connection to the south is the access from Highway 99W.

This standard is met.

**L. Cul-de-Sacs.**

1. **Cul-de-sacs shall only be permitted when one or more of the circumstances listed in this section exist. When cul-de-sacs are justified, public walkway connections shall be provided wherever practical to connect with another street, walkway, school, or similar destination.**
  - a. **Physical or topographic conditions make a street connection impracticable. These conditions include but are not limited to controlled access streets, railroads, steep slopes, wetlands, or water bodies where a connection could not be reasonably made.**
  - b. **Buildings or other existing development on adjacent lands physically preclude a connection now or in the future, considering the potential for redevelopment.**
  - c. **Where streets or accessways would violate provisions of leases, easements, or similar restrictions.**
  - d. **Where the streets or accessways abut the urban growth boundary and rural resource land in farm or forest use, except where the adjoining land is designated as an urban reserve area.**
2. **Cul-de-sacs shall be no more than 400 feet long (measured from the centerline of the intersection to the radius point of the bulb).**
3. **Cul-de-sacs shall not serve more than 18 single-family dwellings.**

Each cul-de-sac shall have a circular end with a minimum diameter of 96 feet, curb-to-curb, within a 109-foot minimum diameter right-of-way. For residential uses, a 35-foot radius may be allowed if the street has no parking, a mountable curb, curbside sidewalks, and sprinkler systems in every building along the street.

**Applicant’s Facts and Findings:** No cul-de-sacs are proposed as part of this development and, as such, this standard is not applicable.

**M. Street Names and Street Signs.** Streets that are in alignment with existing named streets shall bear the names of such existing streets. Names for new streets not in alignment with existing streets are subject to approval by the director and the fire chief and shall not unnecessarily duplicate or resemble the name of any existing or platted street in the city. It shall be the responsibility of the land divider to provide street signs.

**Applicant’s Facts and Findings:** The north-south major collector will be named Crestview Street as that is the name of the connection to the north. Other streets in the development are new and will be established with this development.

This standard is met.

**N. Platting Standards for Alleys.**

1. An alley may be required to be dedicated and constructed to provide adequate access for a development, as deemed necessary by the director.
2. The right-of-way width and paving design for alleys shall be not less than 20 feet wide. Slope easements shall be dedicated in accordance with specifications adopted by the city council under NMC 15.505.010 et seq.
3. Where two alleys intersect, 10-foot corner cut-offs shall be provided.
4. Unless otherwise approved by the city engineer where topographical conditions will not reasonably permit, grades shall not exceed 12 percent on alleys, and centerline radii on curves shall be not less than 100 feet.
5. All provisions and requirements with respect to streets identified in this code shall apply to alleys the same in all respects as if the word “street” or “streets” therein appeared as the word “alley” or “alleys” respectively.

**Applicant’s Facts and Findings:** The alleys included with this proposal are all proposed as private streets owned and maintained by the Homeowner’s Association.

This standard is met.

**O. Platting Standards for Blocks.**

1. Purpose. Streets and walkways can provide convenient travel within a neighborhood and can serve to connect people and land uses. Large, uninterrupted blocks can serve as a barrier to travel, especially walking and biking. Large blocks also can divide rather than unite neighborhoods. To promote connected neighborhoods and to shorten travel distances, the following minimum standards for block lengths are established.
2. Maximum Block Length and Perimeter. The maximum length and perimeters of blocks in the zones listed below shall be according to the following table. The review body for a subdivision, partition, conditional use permit, or a Type II design review may require installation of streets or walkways as necessary to meet the standards below.

Zones(s)	Maximum Block Length	Maximum Block Perimeter
R-1	800 feet	2,000 feet
R-2, R-3, RP, I	1,200 feet	3,000 feet

3. Exceptions.

- a. If a public walkway is installed mid-block, the maximum block length and perimeter may be increased by 25 percent.
- b. Where a proposed street divides a block, one of the resulting blocks may exceed the maximum block length and perimeter standards provided the average block length and perimeter of the two resulting blocks do not exceed these standards.
- c. Blocks in excess of the above standards are allowed where access controlled streets, street access spacing standards, railroads, steep slopes, wetlands, water bodies, preexisting development, ownership patterns or similar circumstances restrict street and walkway location and design. In these cases, block length and perimeter shall be as small as practical. Where a street cannot be provided because of these circumstances but a public walkway is still feasible, a public walkway shall be provided.
- d. Institutional campuses located in an R- 1 zone may apply the standards for the institutional zone.
- e. Where a block is in more than one zone, the standards of the majority of land in the proposed block shall apply.
- f. Where a local street plan, concept master site development plan, or specific plan has been approved for an area, the block standards shall follow those approved in the plan. In approving such a plan, the review body shall follow the block standards listed above to the extent appropriate for the plan area.

**Applicant's Facts and Findings:** The proposed development would create several blocks and new blocks however the patterns of natural resources present on the site and the existing development surrounding the property make a traditional subdivision with blocks meeting the standards listed above impractical. Instead of a traditional block layout, the applicant has proposed a series of blocks which are porous and interconnected with private streets, walkways, and alleys.

This standard is met.

**P. Private Streets.** New private streets, as defined in NMC 15.05.030, shall not be created, except as allowed by NMC 15.240.020(L)(2).

**Applicant's Facts and Findings:** Private streets are proposed in compliance with NMC 15.240.020(L)(2), as addressed previously in this narrative.

This standard is met.

**Q. Traffic Calming.**

1. The following roadway design features may be required in new street construction where traffic calming needs are anticipated:
  - a. Serpentine alignment.
  - b. Curb extensions.
  - c. Traffic diverters/circles.

- d. Raised medians and landscaping.
  - e. Other methods shown effective through engineering studies.
2. Traffic-calming measures such as speed humps should be applied to mitigate traffic operations and/or safety problems on existing streets. They should not be applied with new street constructions.

**Applicant’s Facts and Findings:** Traffic calming measures are not proposed as the submitted Transportation Impact Analysis demonstrates that the proposed street network is safe and effective.

This standard is met.

**R. Vehicular Access Standards.**

1. **Purpose.** The purpose of these standards is to manage vehicle access to maintain traffic flow, safety, roadway capacity, and efficiency. They help to maintain an adequate level of service consistent with the functional classification of the street. Major roadways, including arterials and collectors, serve as the primary system for moving people and goods within and through the city. Access is limited and managed on these roads to promote efficient through movement. Local streets and alleys provide access to individual properties. Access is managed on these roads to maintain safe maneuvering of vehicles in and out of properties and to allow safe through movements. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function.
2. **Access Spacing Standards.** Public street intersection and driveway spacing shall follow the standards in Table 15.505.R below. The Oregon Department of Transportation (ODOT) has jurisdiction of some roadways within the Newberg city limits, and ODOT access standards will apply on those roadways.

**Table 15.505.R. Access Spacing Standards**

<u>Roadway Functional Classification</u>	<u>Area</u> <sup>1</sup>	<u>Minimum Public Street Intersection Spacing (Feet)</u> <sup>2</sup>	<u>Driveway Setback from Intersecting Street</u> <sup>3</sup>
Expressway	All	Refer to ODOT Access Spacing Standards	NA
Major Arterial	Urban CBD	Refer to ODOT Access Spacing Standards	
Minor Arterial	Urban CBD	500 200	150 100
Major Collector	All	400	150
Minor Collector	All	300	100

3. **Properties with Multiple Frontages.** Where a property has frontage on more than one street, access shall be limited to the street with the lesser classification.

4. **Driveways.** More than one driveway is permitted on a lot accessed from either a minor collector or local street as long as there is at least 40 feet of lot frontage separating each driveway approach. More than one driveway is permitted on a lot accessed from a major collector as long as there is at least 100 feet of lot frontage separating each driveway approach.
5. **Alley Access.** Where a property has frontage on an alley and the only other frontages are on collector or arterial streets, access shall be taken from the alley only. The review body may allow creation of an alley for access to lots that do not otherwise have frontage on a public street provided all of the following are met:
  - a. The review body finds that creating a public street frontage is not feasible.
  - b. The alley access is for no more than six dwellings and no more than six lots.
  - c. The alley has through access to streets on both ends.
  - d. One additional parking space over those otherwise required is provided for each dwelling. Where feasible, this shall be provided as a public use parking space adjacent to the alley.
6. **Closure of Existing Accesses.** Existing accesses that are not used as part of development or redevelopment of a property shall be closed and replaced with curbing, sidewalks, and landscaping, as appropriate.
7. **Shared Driveways.**
  - a. The number of driveways onto arterial streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The city shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes. Where there is an abutting developable property, a shared driveway shall be provided as appropriate. When shared driveways are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway temporarily ends at the property line, but may be accessed or extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).
  - b. Access easements (i.e., for the benefit of affected properties) and maintenance agreements shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.
  - c. No more than four lots may access one shared driveway.
  - d. Shared driveways shall be posted as no parking fire lanes where required by the fire marshal.
  - e. Where three lots or three dwellings share one driveway, one additional parking space over those otherwise required shall be provided for each dwelling. Where feasible, this shall be provided as a common use parking space adjacent to the driveway.
8. **Frontage Streets and Alleys.** The review body for a partition, subdivision, or design review may require construction of a frontage street to provide access to properties fronting an arterial or collector street.

9. **ODOT or Yamhill County Right-of-Way.** Where a property abuts an ODOT or Yamhill County right-of-way, the applicant for any development project shall obtain an access permit from ODOT or Yamhill County.
10. **Exceptions.** The director may allow exceptions to the access standards above in any of the following circumstances:
  - a. Where existing and planned future development patterns or physical constraints, such as topography, parcel configuration, and similar conditions, prevent access in accordance with the above standards.
  - b. Where the proposal is to relocate an existing access for existing development, where the relocated access is closer to conformance with the standards above and does not increase the type or volume of access.
  - c. Where the proposed access results in safer access, less congestion, a better level of service, and more functional circulation, both on street and on site, than access otherwise allowed under these standards.
11. Where an exception is approved, the access shall be as safe and functional as practical in the particular circumstance. The director may require that the applicant submit a traffic study by a registered engineer to show the proposed access meets these criteria.

**Applicant's Facts and Findings:** This application proposes one access on Highway 99W. All other driveway and intersection spacing standards are met, as demonstrated on the submitted public improvement plans.

This standard is met.

#### **S. Public Walkways.**

1. Projects subject to Type II design review, partition, or subdivision approval may be required to provide public walkways where necessary for public safety and convenience, or where necessary to meet the standards of this code. Public walkways are meant to connect cul-de-sacs to adjacent areas, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths according to adopted plans, or to provide access to schools, parks or other community destinations or public areas. Where practical, public walkway easements and locations may also be used to accommodate public utilities.
2. Public walkways shall be located within a public access easement that is a minimum of 15 feet in width.
3. A walk strip, not less than 10 feet in width, shall be paved in the center of all public walkway easements. Such paving shall conform to specifications in the Newberg public works design and construction standards.
4. Public walkways shall be designed to meet the Americans with Disabilities Act requirements.
5. Public walkways connecting one right-of-way to another shall be designed to provide as short and straight of a route as practical.
6. The developer of the public walkway may be required to provide a homeowners' association or similar entity to maintain the public walkway and associated improvements.

7. **Lighting may be required for public walkways in excess of 250 feet in length.**
8. **The review body may modify these requirements where it finds that topographic, preexisting development, or similar constraints exist.**

**Applicant's Facts and Findings:** Public walkways are proposed to connect the multi-family resident to Highway 99W, throughout the wetland/natural areas, and connecting from the development to Spring Meadow Park to the west.

This standard is met.

**T. Street Trees. Street trees shall be provided for all projects subject to Type II design review, partition, or subdivision. Street trees shall be installed in accordance with the provisions of NMC 15.420.010(B)(4).**

**Applicant's Facts and Findings:** As indicated on the submitted landscaping plans, street trees are proposed on all streets.

This standard is met.

**U. Street Lights. All developments shall include underground electric service, light standards, wiring and lamps for street lights according to the specifications and standards of the Newberg public works design and construction standards. The developer shall install all such facilities and make the necessary arrangements with the serving electric utility as approved by the city. Upon the city's acceptance of the public improvements associated with the development, the street lighting system, exclusive of utility-owned service lines, shall be and become property of the city unless otherwise designated by the city through agreement with a private utility.**

**Applicant's Facts and Findings:** This proposal includes developer-installed underground electric service, light standards, wiring and lamps for street lights according to the specifications and standards of the Newberg public works design and construction standards.

This standard is met.

**V. Transit Improvements. Development proposals for sites that include or are adjacent to existing or planned transit facilities, as shown in the Newberg transportation system plan or adopted local or regional transit plan, shall be required to provide any of the following, as applicable and required by the review authority:**

1. **Reasonably direct pedestrian connections between the transit facility and building entrances of the site. For the purpose of this section, "reasonably direct" means a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for users.**
2. **A transit passenger landing pad accessible to disabled persons.**

3. **An easement of dedication for a passenger shelter or bench if such facility is in an adopted plan.**
4. **Lighting at the transit facility.**

**Applicant's Facts and Findings:** There are no transit facilities within or adjacent to this site and, as such, this standard is not applicable.

#### **15.505.040 Public utility standards.**

**A. Purpose.** The purpose of this section is to provide adequate services and facilities appropriate to the scale and type of development.

**B. Applicability.** This section applies to all development where installation, extension or improvement of water, wastewater, or private utilities is required to serve the development or use of the subject property.

#### **C. General Standards.**

1. **The design and construction of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the city, and all improvements for which city approval is required shall conform to the Newberg public works design and construction standards and require a public improvements permit.**
2. **The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbances of soil and site. Installation of all proposed public and private utilities shall be coordinated by the developer and be approved by the city to ensure the orderly extension of such utilities within public right-of-way and easements.**

**D. Standards for Water Improvements.** All development that has a need for water service shall install the facilities pursuant to the requirements of the city and all of the following standards. Installation of such facilities shall be coordinated with the extension or improvement of necessary wastewater and stormwater facilities, as applicable.

1. **All developments shall be required to be linked to existing water facilities adequately sized to serve their intended area by the construction of water distribution lines, reservoirs and pumping stations which connect to such water service facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.**
2. **Specific location, size and capacity of such facilities will be subject to the approval of the director with reference to the applicable water master plan. All water facilities shall conform with city pressure zones and shall be looped where necessary to provide adequate pressure and fire flows during peak demand at every point within the system in the development to which the water facilities will be connected. Installation costs shall remain entirely the developer's responsibility.**
3. **The design of the water facilities shall take into account provisions for the future extension beyond the development to serve adjacent properties, which, in the judgment of the city, cannot be feasibly served otherwise.**
4. **Design, construction and material standards shall be as specified by the director for the construction of such public water facilities in the city.**

**E. Standards for Wastewater Improvements.** All development that has a need for wastewater services shall install the facilities pursuant to the requirements of the city and all of the following standards. Installation of such facilities shall be coordinated with the extension or improvement of necessary water services and stormwater facilities, as applicable.

1. All septic tank systems and on-site sewage systems are prohibited. Existing septic systems must be abandoned or removed in accordance with Yamhill County standards.
2. All properties shall be provided with gravity service to the city wastewater system, except for lots that have unique topographic or other natural features that make gravity wastewater extension impractical as determined by the director. Where gravity service is impractical, the developer shall provide all necessary pumps/lift stations and other improvements, as determined by the director.
3. All developments shall be required to be linked to existing wastewater collection facilities adequately sized to serve their intended area by the construction of wastewater lines which connect to existing adequately sized wastewater facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.
4. Specific location, size and capacity of wastewater facilities will be subject to the approval of the director with reference to the applicable wastewater master plan. All wastewater facilities shall be sized to provide adequate capacity during peak flows from the entire area potentially served by such facilities. Installation costs shall remain entirely the developer's responsibility.
5. Temporary wastewater service facilities, including pumping stations, will be permitted only if the director approves the temporary facilities, and the developer provides for all facilities that are necessary for transition to permanent facilities.
6. The design of the wastewater facilities shall take into account provisions for the future extension beyond the development to serve upstream properties, which, in the judgment of the city, cannot be feasibly served otherwise.
7. Design, construction and material standards shall be as specified by the director for the construction of such wastewater facilities in the city.

**F. Easements.** Easements for public and private utilities shall be provided as deemed necessary by the city, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency. Such easements shall be recorded on easement forms approved by the city and designated on the final plat of all subdivisions and partitions. Minimum required easement width and locations are as provided in the Newberg public works design and construction standards.

**Applicant's Facts and Findings:** The development will connect to public utilities, including water and sanitary sewer. As demonstrated on the submitted public improvement plans, all public utilities are designed to be constructed to City standards.

This standard is met.

#### **15.505.050 Stormwater system standards.**

**A. Purpose.** The purpose of this section is to provide for the drainage of surface water from all development; to minimize erosion; and to reduce degradation of water quality due to sediments and pollutants in stormwater runoff.

**B. Applicability.** The provisions of this section apply to all developments subject to site development review or land division review and to the reconstruction or expansion of such developments that increases the flow or changes the point of discharge to the city stormwater system. Additionally, the provisions of this section shall apply to all drainage facilities that impact any public storm drain system, public right-of-way or public easement, including but not limited to off-street parking and loading areas.

**C. General Requirement.** All stormwater runoff shall be conveyed to a public storm wastewater or natural drainage channel having adequate capacity to carry the flow without overflowing or otherwise causing damage to public and/or private property. The developer shall pay all costs associated with designing and constructing the facilities necessary to meet this requirement.

**D. Plan for Stormwater and Erosion Control.** No construction of any facilities in a development included in subsection (B) of this section shall be permitted until an engineer registered in the State of Oregon prepares a stormwater report and erosion control plan for the project. This plan shall contain at a minimum:

1. The methods to be used to minimize the amount of runoff, sedimentation, and pollution created from the development both during and after construction.
2. Plans for the construction of stormwater facilities and any other facilities that depict line sizes, profiles, construction specifications, and other such information as is necessary for the city to review the adequacy of the stormwater plans.
3. Design calculations shall be submitted for all drainage facilities. These drainage calculations shall be included in the stormwater report and shall be stamped by a licensed professional engineer in the State of Oregon. Peak design discharges shall be computed based upon the design criteria outlined in the public works design and construction standards for the city.

**E. Development Standards.** Development subject to this section shall be planned, designed, constructed, and maintained in compliance with the Newberg public works design and construction standards.

**Applicant's Facts and Findings:** The submitted public improvement plans include details of the proposed stormwater detention and treatment plan. The stormwater detention and treatment plan is designed to meet City standards and to preclude stormwater drainage on surrounding properties.

This standard is met.

## **SUMMARY AND CONCLUSION**

Based upon the materials submitted herein, the Applicant respectfully requests approval from the City's Planning Commission of this application for a Planned Unit Development and a Conditional Use Permit.